

## Howe, Bob

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**From:** Storms, Scott  
**Sent:** Thursday, February 8, 2024 9:25 AM  
**To:** Howe, Bob  
**Subject:** RE: Permit for 2-10654 and condition 01M

Hi Bob,

I do remember some unusual circumstances surrounding this application, mainly that his industrial use is not really just for dust abatement but he also sprays his house down during the summer time for a cooling effect from the evaporation. I can not remember if this was why we put 01M on this, but ultimately all it does is give more of a notice of what the Department has authority to do at any time regardless of the condition on the right. Since a measuring device was never required during development, I would say it could be dropped.

- Scott

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**From:** Howe, Bob <Bob.Howe@idwr.idaho.gov>  
**Sent:** Thursday, February 8, 2024 9:12 AM  
**To:** Storms, Scott <Scott.Storms@idwr.idaho.gov>  
**Subject:** Permit for 2-10654 and condition 01M

Hi Scott,

I am working on an in-office exam for 2-10654, and I noticed that you worked on the permitting. I have read through the complaint and file docs, but I am not sure I understand why 01M was added. Does it need to remain on for licensing for any reason?

Thanks for any clarification you can provide.

**Bob Howe**



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

**Bob Howe | Water Resource Agent**

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

Exam Date: 12/07/2023

1. 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. X Other INDUSTRIAL-DUST ABATEMENT

2. Current Owner: **HOOPER LIVING TRUST**

Owner of Record Correct? \_\_\_ N  
 Address of Record Correct? \_\_\_ N  
 If No Explain:

3. Beneficial Use Fees have been paid: X Y \_\_\_ N Receipt No: C117274

4. Source: Tributary:

**SNAKE RIVER****COLUMBIA RIVER**Method of Determination: GIS imagery and taxlot data.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   |
|-----------------|-------------|----------------|---------|
| 2-7276G         | SNAKE RIVER | IRRIGATION     | LICENSE |

Comments: Right 2-7276G is overlapping the permit place of use (POU) for irrigation. However, the irrigation beneficial use was removed for licensing, so there is no overlap with the Industrial POU licensed.

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

| Water Right No. | Source      | Purpose of Use | Basis   |
|-----------------|-------------|----------------|---------|
| 2-7276G         | SNAKE RIVER | IRRIGATION     | LICENSE |

Comments: Right 2-7276G shares the permit point of diversion (POD). However, the permit was licensed for Industrial use only, so there are no concerns regarding the system providing water for both uses.

**C. DIVERSION AND DELIVERY SYSTEM**

1. Location of Point(s) of Diversion:

| Source      | Govt. Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. |      | County |
|-------------|-----------|---|----|----|------|------|------|------|--------|
| Snake River | 2         |   | NW | SW | 16   | 01N  | 03W  | B.M. | OWYHEE |

Method of Determination: GIS and Taxlot data.Change in POD? \_\_\_ Y X N Amendment Required? \_\_\_ Y X N2. Place of Use: **INDUSTRIAL**

| TWP           | RGE | Sec   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|---------------|-----|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|               |     |       | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N           | 03W | 16    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |        |
|               |     | Lot # |    |    |    |    |    |    |    |    |    | -  |    |    |    |    |    |    |        |
| Total Acres = |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Method of Determination: Owyhee County Maps, GIS, and TAXLOT DATA

Change in POU? Y X N Amendment Required? Y X NX Delivery 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 |
|----------------------|------------|-----|------------------|-----------|-----------------------------------|
| Intake in River      | Unknown    | 1.5 | Unknown          | Unknown   | Unknown                           |

\*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 |
|--------------------------|------|------|-----------|------------|------|-------------|
| NONE                     | NA   | NA   | NA        | NA         | NA   | NA          |

2. Measurement Comments: The permit holder stated that the pump is 1.5 Hp. A maximum head of about 40 ft was estimated using the DRG map.**E. FLOW CALCULATIONS**   Additional Computation Sheets Attached

Measured Method:

A theoretical calculation and the adapted irrigation standard were used to determine a reasonable rate of diversion.

$$Q = (1.5\text{Hp})(8.8)(0.80 \text{ efficiency}) / (40 \text{ ft lift}) + (2.31) * (45 \text{ psi}) = 0.07 \text{ cfs}$$

Theoretical Calculation= 0.07cfs

Permit allowed = 0.04cfs

Recommendation= 0.02cfs for Industrial Use-Dust Abatement

Comments:

The permit holder provided details of the boundary of the Dust Abatement area, approximately 0.4 acre. Comprised of the driveway, approaches to the buildings and a graveled area used for parking and storage. The system used for this permit is the same system documented for enforcement investigation E2023-2944. The sprinkler system has been used to water the landscaped areas and for dust abatement. The total area watered within the parcel is approximately 1.2 acres total (0.8 acres via right 2-10654 and 0.4 acres of dust abatement). A theoretical calculation indicates the pump is capable of providing 0.07 cfs and the combined rate for both irrigation and industrial uses simultaneously is 0.04cfs. According to the permit holder, uses are achieved simultaneously and based on the theoretical calculation the rate permitted can be justified for industrial use. I am recommending a diversion rate of 0.02cfs for Industrial purposes on the license.

**F. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

NA

2. Volume Calculations for Industrial:

$$(0.02\text{cfs}) / 0.00223 = 9 \text{ GPM}$$

$$9 \text{ GPM} \times [60\text{mins (daily)} \times 3 \text{ (weekly)} \times 38 \text{ weeks}] = 61,560 \text{ Gallons} \quad | \quad 61,560 / 325,850 \text{ (Gal/AF)} = 0.2 \text{ AF}$$

Comments:

This permit was issued for irrigation and industrial use from a natural stream/river source. According to the IDAPA Beneficial Use Examination Rules 37.03.02.35. 01j.viii a diversion volume is not required for irrigation if water is diverted from a natural flowing stream/river or spring. There is no stated volume for dust abatement. However, the owner stated that the watering time averages about 3 hrs a week and is only done during the irrigation. Based on the yearly usage the calculated annual volume is 0.2 AF. I am recommending 0.2 AF annual volume on the license.

**G. PURPOSE OF USE**Irrigation     Y   X   N      # Stock   NA      Domestic # of Homes   NAChange in Purpose of Use?     Y   X   NMethod of Determination: Bonner County Maps, GIS, and Taxlot Data**H. NARRATIVE/REMARKS/COMMENTS**

This permit for the irrigation of 0.8 acres and Industrial use for dust abatement qualifies for an in-office examination for license. The permit holder submitted the Proof of Beneficial Use, received by IDWR on November 15, 2023, stating in section #5 that the beneficial use was developed for 0.8 acres of irrigation and dust abatement. An overlap comparison found that right 2-7276G for the irrigation of 0.8 acres is appurtenant to the 1.3-acre parcel the permit POU is within. A complaint was filed accusing the right holder of excessive watering resulting in the depletion of a neighboring well (E2023-2944). The investigation found that irrigation occurring was provided by a surface water right and concluded that it was not injuring the neighboring well. However, the use of water for dust abatement resulted in the right holder applying for permit 2-10654. The investigation into the complaint included photos of the system used for both the permit and right 2-7276G. Those photos were used as supporting documentation for this examination (see attached photos).

Aerial imagery as current as August of 2023 (see figures 1-3), did not indicate any increase to the area historically irrigated under right 2-7276G (0.8 acres). I contacted the permit holder on December 7, 2023, requesting additional information regarding the volume of water used for dust abatement and if there was any further irrigation developed that needed to be examined. The permit holder provided the requested volume information and stated that no enlargement of the irrigated area was developed. The permit holder stated that what they sought to fulfill via the permit was additional water to dampen the driveway and approaches to the buildings, for dust abatement, and in response to the complaint of over watering. After clarification the irrigation beneficial use was removed before licensing, and rate and volume calculations were made to determine reasonable allocation for the license.

I am recommending the license be issued with a rate of 0.02cfs, an annual volume of 0.2 AF, and conditions 931 & 103. Condition R69 was removed, as the irrigation beneficial use was removed before licensing. Condition 01M was removed at licensing, as it isn't necessary now that the right has been developed. Condition 121 was replaced by condition 103 at licensing, as per current guidance.

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> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 TO 11/15       | 0.02CFS               | 0.2 AF               |
|                       | <u>Totals:</u>       | 0.02CFS               | 0.2 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

Other: &lt;      &gt;

**J. AUTHENTICATION- Bob Howe- Water Resource Agent**Field Examiner's Bob Howe      Date 2/13/24Reviewer PK      Date 2/13/24

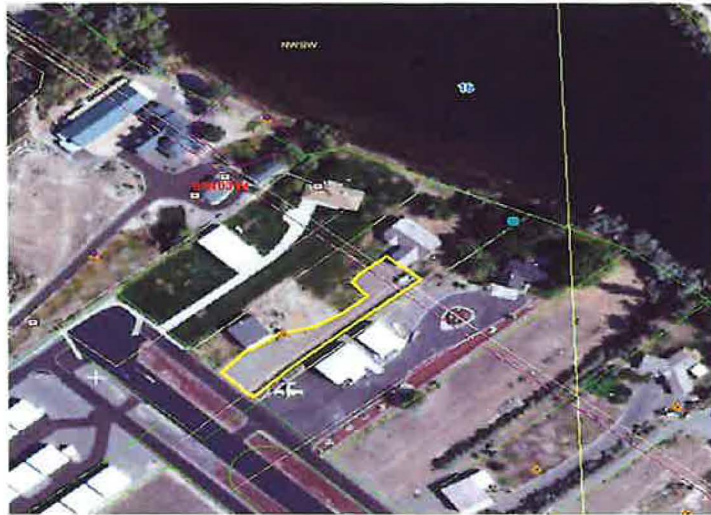


Figure 1- Industrial Use POU- Outlined in yellow. Light Blue point is the permit POD.



Figure 2- Google Earth-2018- Image of the permit POU.

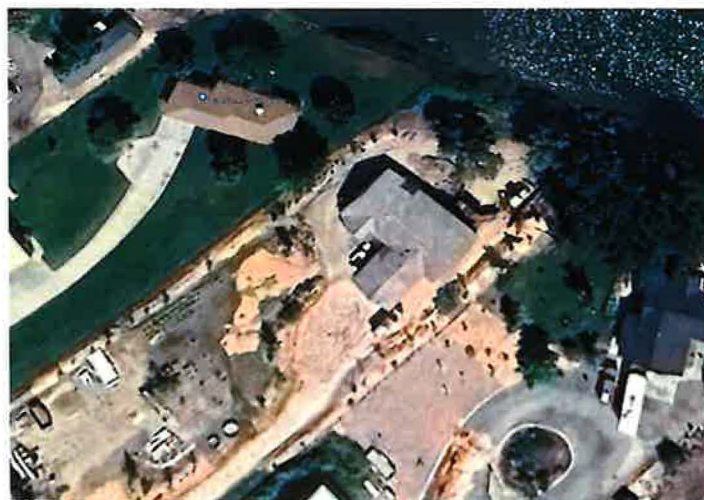


Figure 3- Google Earth-August, 2023 Image of the permit POU.



Pump located just off the bank of the Snake River in the southeast corner of the property. 2" intake to 1.5" pressurized line. Water line runs to the hose bibs throughout the property.



Pump was running about 41 psi when the field investigation was done.

Field Investigation Photos 1 & 2

|                                                                                     |                                                                                                                                                             |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <p>Several hose bibs placed all over the property used to irrigate. There are a couple riser connections for a 2" fire hose to support fire protection.</p> |
|  | <p>Hose bib and fire protection riser.</p>                                                                                                                  |

Field Investigation Photos 3 & 4.

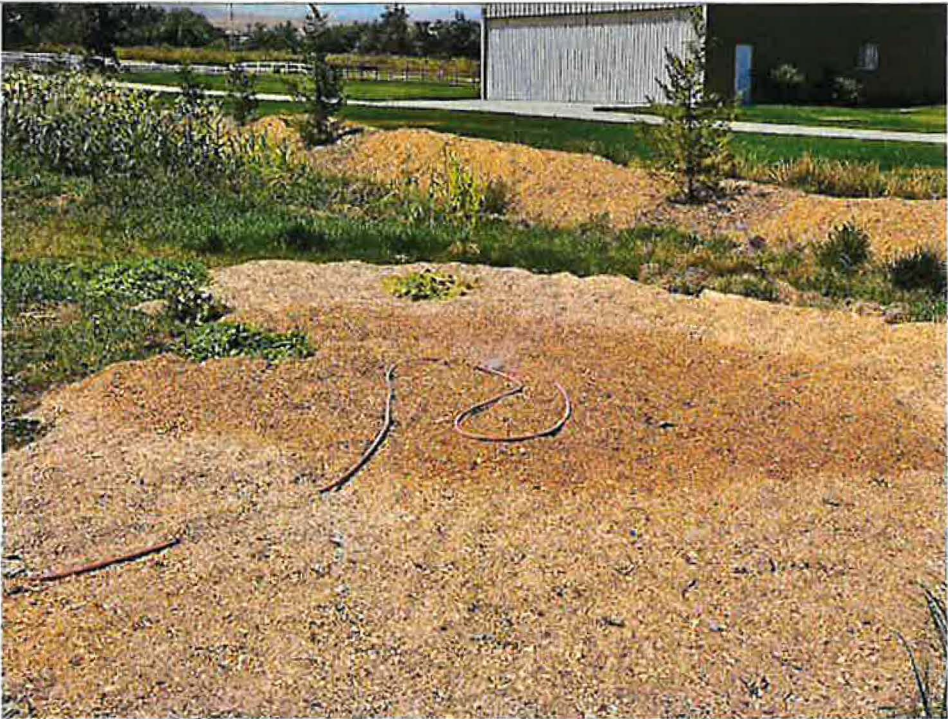


Another  
hose bib and  
riser for fire  
protection.



Typical  
sprinkler  
used around  
the property  
to keep the  
driveway  
damp. The  
driveway is  
covered with  
mulch.

Field investigation Photos 5 & 6.

|                                                                                     |                                                                                                             |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
|   | <p>Better example of the mulch being watered with the sprinkler.</p>                                        |
|  | <p>Sprinkler connected to one of the hose bibs watering the plants along the perimeter of the property.</p> |

Field investigation Photos 6 & 7.



Sprinkler west of the shop watering the grass and into the driveway of mulch.



Hose and sprinkler watering the plants along the property line.