

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

A. GENERAL INFORMATION

Exam Date: 12/22/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y ___ N

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

2. Current Owner: **WESTSHORE OWNERS ASSN.**

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: N043804

4. Source: Tributary:

GROUNDWATER**NA**Method of Determination: GIS and Tax lot 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
96-2200	UNNAMED SLOUGH	IRRIGATION	LICENSE
96-9817	PEND OREILLE RIVER	DOMESTIC	PERMIT
96-9892	PEND OREILLE RIVER	IRRIGATION	PERMIT
96-11264	PEND OREILLE RIVER	IRRIGATION	PERMIT
96-11130	PEND OREILLE RIVER	IRRIGATION	PERMIT

Comments: Right 96-2200 is for the diversion of surface water for the irrigation of 36 acres. The right POU overlaps the permit POU but is for a different beneficial use and from a different source than the permitted use. Permits 96-9817 (domestic use), 96-11130 (irrigation) and 96-9892 (irrigation) are all held by the owner of the appurtenant parcels. The permit holder for right 896-11263 stated in a phone call that the HOA agreement states that groundwater is for internal use only, each owner uses water right(s) that allow them to pump from the river for irrigation. There are no conflicts or enlargement concerns regarding permits or rights which divert surface water overlapping the permit place of use (POU).

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

Water Right No.	Source	Purpose of Use	Basis
NONE	NA	NA	NA

Comments: There are no rights sharing the permit point of diversion (POD).

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Well Tag #D0041230	1		NE	NE	20	56N	03W	B.M.	BONNER

Method of Determination: GIS and Tax lot data.Change in POD? ___ Y X N Amendment Required? ___ Y X N

2. Place of Use: DOMESTIC

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	20	D			D													
		Lot #	1			2													
Total Acres =																			

Method of Determination: Bonner County Maps, GIS, and Tax lot data.

Change in POU? ___Y ___X_N Amendment Required? ___Y ___X_N

___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).

___X Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Output
D0041230	Unknown	Unknown	Unknown	Unknown	75 GPM

*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 verbally provided system details including the well maximum output of 75 GPM at the well head. A maximum elevation gain of approximately 10 ft was estimated using the DRG map.

E. FLOW CALCULATIONS

___Additional Computation Sheets Attached

Measured Method:

A stated rate of 75 GPM, or approximately 0.17cfs, and Administrative Memo #22 were used to determine a reasonable rate of diversion.

Q = 75 GPM (max output) x 1cfs/448.83 GPM = 0.17cfs**Shop with bath (1 toilet, 1, sink, 1 shower) x 2:**

2 toilets (8 GPM) + 2 Showers (8 GPM) + 2 lavatories (2 GPM)= **18 GPM or approx. 0.04cfs (as per Table 1).**

Theoretical Calculation= 0.17cfs

Permit allowed = 0.15cfs

Recommendation= 0.13cfs

By Fixtures:

Shower.....	4 to 6 gpm
Bathub.....	4 to 8 gpm
Toilet.....	4 to 5 gpm
Lavatory.....	1 to 4 gpm
Kitchen sink.....	2 to 5 gpm

Table 1- Instantaneous Rates for domestic from the Field Examiners Handbook References-"Rural and Domestic Water Uses."

Comments:

The permit holder stated in a phone call that the maximum output at the wellhead was measured at 75 GPM. The well drillers report stated that the well was tested at a flow rate of 75 GPM, or approximately 0.17cfs.

The minimal water use rate calculation for 2 shops with full bathrooms is 0.04cfs. According to Administrative memo #22 a of 0.11 cfs and an annual volume of 3.6 AF is standard for domestic use within 6 homes. It is unlikely water use in the shops would ever require all fixtures to be used simultaneously, making the rate of 0.13cfs for 8 homes, as per Administrative memo #22 a more accurate representation of the actual use. I am recommending a diversion rate of 0.13cfs for the license.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

NA

1. Shop with bath (1 toilet, 1, sink, 1 shower) x 2

2 toilets (28 Gal) + 2 Showers (120Gal.) + 2 lavatories (12 Gal.) * 365 Days= 58,400 Gal or approx. 0.2AF annually.

Residence – Urban:

Drinking fountain, continuously flowing.....	50 to 100 gal. per day.
Each shower bath.....	25 to 60 gal.
To fill a bathtub.....	35 gal.
To flush toilet.....	3 to 7 gal.
To fill lavatory.....	1 to 2 gal.
Dish Washing Machine – per load.....	10 to 20 gal.
Automatic washer – per load.....	30 to 50 gal.

Table 2- Volume use per fixture for urban domestic use from the Field Examiners Handbook References-"Rural and Domestic Water Uses."

Comments:

This permit was issued for internal domestic use for 10 homes, however, only 6 homes and 2 shops with full bath were built within the development time. According to Administrative Memo #22 an annual volume of 3.6 AF is standard for internal use in 6 homes. The calculated 0.2 AF per year for use seems more representative of a use that will likely be less frequent and supplemental to the home use. I am recommending a total annual volume of 3.8 AF on the license.

G. PURPOSE OF USE

Irrigation Y X N # Stock NA Domestic # of Homes 7

Change in Purpose of Use? Y X N

Method of Determination: Bonner County Maps, GIS, and Taxlot Data

H. NARRATIVE/REMARKS/COMMENTS

This permit for domestic use in 6 homes and 2 shops with bathrooms qualifies for an in-office examination for a license. The permit holder submitted the Proof of Beneficial Use, received by IDWR on July 10, 2023, stating in section #5 that the beneficial use was developed for domestic use in 9 homes, with no irrigation. As the proof of beneficial use was received after the July 1, 2023, due date, it had to be reinstated and the priority date was advanced to May 15, 2022.

Review of aerial images (see attached figures 1-4) identified 8 buildings constructed and lawns, landscaping, and garden areas around some homes. After a phone conversation I emailed the applicant December 8, 2023, regarding the developed use, requesting a system diagram, and asking for information regarding what was done to meet DEQ requirements, as required by condition 4 of the permit. The permit holder called to discuss the email on December 20th, 2023, stating that the DEQ requirements for water quality were only necessary for 10 or more homes provided by a shared system. As they developed less than ten homes for use on the system, any DEQ review or permit was not necessary. The permit holder described in an email that **the buildings are 6 homes and 2 shops with bathrooms**, one shop in lot 1A and one in lot 9 (see figures 1 & 3) and an HOA agreement, signed by all the lot owners, allows only 1 residence in each lot. The system description in the email from the permit holder also stated that there is a shop with a bathroom in lot 5 (171 W Shore Way), but aerial images do not provide evidence that it was completed within the development period (see figures 1 & 4). The permit holder further explained that the HOA agreement only allows internal use for domestic water from the shared well, which has a tested output of 75 GPM at the well head. According to the permit holder's statements, each of the parcel owners have existing river pumps under for any irrigation use (permits 96-11264, 96-9892, & 96-11130). I am recommending licensing for domestic use in 6 homes and 2 shops with full bathrooms, for internal use only (see figure 5).

I am recommending the license be issued for domestic use, with a rate of 0.13cfs, an annual volume of 3.8 AF (as discussed in sections E & F), and conditions X59, X60, WB5, and 004. Condition 046 was removed at licensing, as per current guidance. Condition 106 was removed as the permit holder stated that the use developed was not subject to any DEQ requirements for the drinking water. Conditions 070 and X04 were replaced with condition WB5 at licensing, as the permit holder stated that the system was not developed for any irrigation.

Have the 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>
DOMESTIC	01/01 TO 12/31	0.13 CFS	3.8 AF
	<u>Totals:</u>	0.13 CFS	3.8 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: < >

J. AUTHENTICATION- Bob Howe- Water Resource Agent

Field Examiner's  Date 2/22/24

Reviewer  Date 2/23/24



Figure 1- Google Earth- 2022, October- Image of the permit POU. Only 8 buildings are visible, and areas of irrigation are visible in most parcels. A phone call with the permit holder on December 8th, 2023, clarified that the 2 northern most buildings in lot 9 are a home and a shop with a full bathroom ("shop 1" and "Home 1") and there is a home ("Home 6") and shop with full bathroom ("shop 2") in lot 1A. The permit holder further stated that the HOA agreement only allows 1 occupied home per lot.



Figure 2- System diagram submitted by permit holder. The permit holder identified two shops and six domestic homes in the diagram description email. A third shop is described in lot 5 (next to "Home 5"), however the structure was not built within the development period. The permit holder described the irrigation occurring within the parcels as provided by irrigation rights diverting surface water.



Figure 3- Bonner County-2023- Image of the north end of the permit POU. Garden area, lawn, and landscaping visible in parcels occupied. Northernmost structure was described by the permit holder as a shop with a full bathroom. The occupied residence is in the southwest corner of the parcel.



Figure 4-Bonner County GIS 2023 imagery of Lot 5 (171 W Shore Way). The address for a separate building can be seen in the upper right of the image (173 W Shore Way).



Figure 5. Image of the confirmed domestic places of use developed for permit 96-11263 (outlined in light blue) and the shared well (POD- light blue point).

Howe, Bob

From: Todd McKay <toddmckay.biglake@gmail.com>
Sent: Wednesday, January 3, 2024 11:27 PM
To: Howe, Bob
Subject: Fwd: Information Requested- Permit 96-11263

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

----- Forwarded message -----

From: Todd McKay <toddmckay.biglake@gmail.com>
Date: Wed, Jan 3, 2024 at 10:21 PM
Subject: Re: Information Requested- Permit 96-11263
To: West Shore HOA <westshoreowners@gmail.com>

Hi Bob, here is the information you requested,

1) There are 9 buildable, lakefront lots. There can only be 1 primary dwelling and 1 accessory building (shop) per lot. No multiple family dwellings or second livable dwellings allowed. Lot 1 has 1 primary (home 8) and 1 shop (home 7). Lot 2 is empty and will remain that way indefinitely. Lot 3 has 1 primary (home 6), nothing else planned. Lot 4 is empty, no plans have been given as of this writing. Lot 5 (home 5) has a shop w/bath, no plans have been given for a primary as of this writing. Lot 6 is empty, no plans have been given as of this writing. Lot 7 is empty, no plans have been given as of this writing. Lot 8 (home 3) has a primary, no other plans have been given as of this writing. Lot 9 has a primary in construction (home 2) and a shop (home 1) being used as a primary until completion. It will return to a shop at that time. There is 1 common area dwelling (home 4), this will be removed in the future. If or when our domestic well was ever to become overwhelmed, the owners of lots 1 and 2 (20 acres) will drill their own well. All lots are connected to a community affluent sewer system. This system is designed and will not accept more than 2450 gal/day. Lots 1, 2 and 9 can use up to 300 gals/day. Lots 3, 4, 5, 6, 7 and 8 get 250 gals/day. Water delivered from our community well can only be used for domestic use (bathing, drinking, cooking, etc.). All irrigation is done by pumping from the river, rules per H.O.A. This is monitored and enforced during the irrigation season.

2) See drawing.

3) Water testing was completed when first constructed. Because we do not have more than 10 primary dwellings, we are not subject to any type of municipality testing or requirements unless we exceed 10 or more homes.

Please feel free to give me a call if you have any other questions.

Thank you for your help on this,

Todd McKay
(208)420-9274



On Fri, Dec 8, 2023 at 10:13 AM West Shore HOA <westshoreowners@gmail.com> wrote:

----- Forwarded message -----

From: **Howe, Bob** <Bob.Howe@idwr.idaho.gov>

Date: Fri, Dec 8, 2023, 10:01 AM

Subject: Information Requested- Permit 96-11263

To: WESTSHOREOWNERS@GMAIL.COM <WESTSHOREOWNERS@gmail.com>

Dear Westshore Owners Association,

The Department received the Proof of Beneficial Use you submitted for permit #96-11263. I am currently reviewing the permit eligibility for an in-office examination for licensing. In-office examination expedites the licensing process by using information and documentation submitted by the permit holder(s) and GIS aerial images to process the examination without the need for a field examination to be scheduled and conducted at a later time. The permit issued provided a scope for the development of future uses. The purpose of the examination is to record the details of the use that has been developed.

After reviewing your Proof of Beneficial Use, there are a few items in need of further information or clarification:

(1) On section #3 of the Statement of Completion, you stated that the extent of use completed is 9 homes and no irrigation. In the most current aerial imagery (see attached images) only 8 homes appear to be constructed, and irrigated yards and areas are apparent around several of the homes. Are you irrigating the parcels from the well, or is there a different water right providing water for lawns, landscape, and gardens? Is there another home completed more recent than the imagery from October of 2022? If so, please provide photos and details of the home not appearing in the aerial imagery.

(2) Please provide a sketch of the system diagram from the point of diversion to the homes as developed for permit 96-11263. Making sure to identify the **boundary of the area(s) irrigated, sprinklers, water lines** (including dia. and type, for example 1' PVC pipe), the **pump(s)** (including the Hp, make and model, submersible, booster, etc.). This can be drawn on one of the images I have attached to this email, or you may use your own. Then attach the diagram to an email with any additional information regarding the system and/or that would be helpful in describing the system diagram.

(3) On your permit condition # 4 requires that prior to diversion you comply with all water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality. What has been done to ensure this condition has been met?

Feel free to reach out to me with any questions or concerns regarding the items requested. If I am unavailable any of my team members should be able to assist you, if you provide your permit # 96-11263. It is important that you **respond to this request within 14 days** by email and/or phone, in order to pursue this method to expedite your licensing process. If we are unable to process the license review within 14 days the permit will be sent back to the regional office for a field examination to be scheduled at a later date.

Thank you for your time and attention in this matter.