

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-12297

Priority: August 15, 2022

Maximum Diversion Rate: 0.01 CFS

Maximum Diversion Volume: 0.3 AF

It is hereby certified that:

TRAVIS DODD PO BOX 2193 SANDPOINT ID 83864-0909

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 15, 2022, and has submitted Proof of Beneficial Use on January 17, 2024. 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
0.01 CFS

Annual Volume
0.3 AF

Location of Point(s) of Diversion

LAKE PEND OREILLE SW¼ SW¼, Sec. 13, Twp 56N, Rge 01E, 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	
56N	01E	13											0.1 L1						0.1

Total Acres: 0.1

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.3 afa 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.
3. Place of use is located within Lot 1, Blk. 1; Kullyspell Estates Subdivision.

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 29th day of March, 2024.



PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
96-12297

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.



0 0.035 0.07 0.14 Miles

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



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.



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 Mathew Weaver

April 05, 2024

TRAVIS DODD
PO BOX 2193
SANDPOINT ID 83864-0909

RE: License No. 96-12297

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,

Phil Hummer

Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 05, 2024, I served a true and correct copy of Water Right License No. 96-12297 by U.S. Mail, postage prepaid, to the following:

TRAVIS DODD (Current Owner)
PO BOX 2193
SANDPOINT ID 83864-0909



Catalina Beck
Technical Records Specialist 1

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

A. GENERAL INFORMATION

Exam Date: 1/30/2024

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. _____ Other < >
2. Current Owner: Travis Dodd
 Owner of Record Correct? _____ N
 Address of Record Correct? _____ N
 If No Explain: N/A
3. Beneficial Use Fees have been paid: _____Y _____N Receipt No: C117654
4. Source: Tributary:
 Lake Pend Oreille Pend Oreille River

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
96-8508	Lake Pend Oreille	Irrigation	License
96-8632	Groundwater	Domestic	License
96-8982	Lake Pend Oreille	Municipal	License

Comments: Water rights 96-8508, 96-8632, and 96-8982 overlap the permitted place of use. However, after looking into the water right backfile water rights 96-8508, does not actually overlap. Water rights 96-8632 and 96-8982 authorize different beneficial uses and 96-8632 diverts from a different source. Therefore, a combined limit condition is not necessary.

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

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

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

[illegible]

Method of Determination: GIS and Tax Parcel Data.

Change in POD? Y X N Amendment Required? Y X N

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	
56N	01E	13											0.1						0.1
		Lot #											1						
Total Acres =																		0.1	

Method of Determination: GIS, Tax Parcel Data, 2023 Bonner County Aerial Imagery, and a phone conversation with the permit holder on January 29th, 2024.

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).

Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

*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 did not provide a pump horsepower. Therefore, a diversion rate calculation was not possible.

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. According to Administrative Processing Memo #17 the standard diversion rate/acre for the irrigation of 5 acres or less is 0.03 cfs, 0.1 acres * 0.03 cfs/acre = 0.003 cfs or 0.01 cfs rounded. The permit authorized a 0.03 cfs diversion rate. I am recommending a 0.01 cfs diversion rate.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (0.1 \text{ acres}) \times (3.0 \text{ af/acre}) = 0.3 \text{ af}$$

I.R.

$$V = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = (0.01 \text{ cfs}) \times (214 \text{ days}) \times (1.9835 \text{ af/day}) = 4.2 \text{ af}$$

D.R.

$$V = \text{Smaller of } V \text{ and } V = 0.3 \text{ af}$$

I.R. D.R.

G. PURPOSE OF USE

Irrigation X Y N # Stock N/A Domestic # of Homes N/A

Change in Purpose of Use? Y X N

Method of Determination: GIS, Tax Parcel Data, 2023 Bonner County Aerial Imagery, and a phone conversation with the permit holder on January 29th, 2024.

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 2001. The permit authorized the irrigation of 0.5 acres. 2023 Bonner County Aerial Imagery indicated 0.1 acres of irrigation was occurring. However, due to dense tree cover some areas were obscured. The permit holder was contacted via phone call on January 29th, 2023, and confirmed where irrigation was occurring within the place of use. Paring the permit holder's statements with 2023 Bonner County Aerial Imagery the initial determination of 0.1 acres of irrigation was confirmed. The Tax Parcel Boundary and visual property boundary were inconsistent. The irrigated place of use was updated based on the visual property boundary.

A condition on the permit required the permit holder, prior to the diversion of water, to install a fish screen meeting the fish screening and passage requirements of the Idaho Department of Fish and Game. The permit holders did not indicate on their Statement of Completion for Proof of Beneficial Use a fish screen was installed. During the phone conversation with the permit holder, they confirmed a fish screen was installed. Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. The standards set in Administrative Processing Memo #17 were used to make a diversion rate and volume recommendation. All of the conditions have been met and developed of beneficial use was confirmed within authorization on the permit. Therefore, I am recommending a 0.01 cfs diversion rate and 0.3 af diversion volume.

Conditions 004, X31, and X60 should remain on the license. Condition X31 should be updated to match the recommended diversion rate and volume on the license. Condition 029 should be removed because the permit holder installed a fish screen meeting the fish screening and passage requirements of the Idaho Department of Fish and Game. 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>	<u>ANNUAL VOLUME</u>
Irrigation	04/01-10/31	0.01 CFS	0.3 AF
	<u>Totals:</u>	0.01 CFS	0.3 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

Other: < >

J. AUTHENTICATION

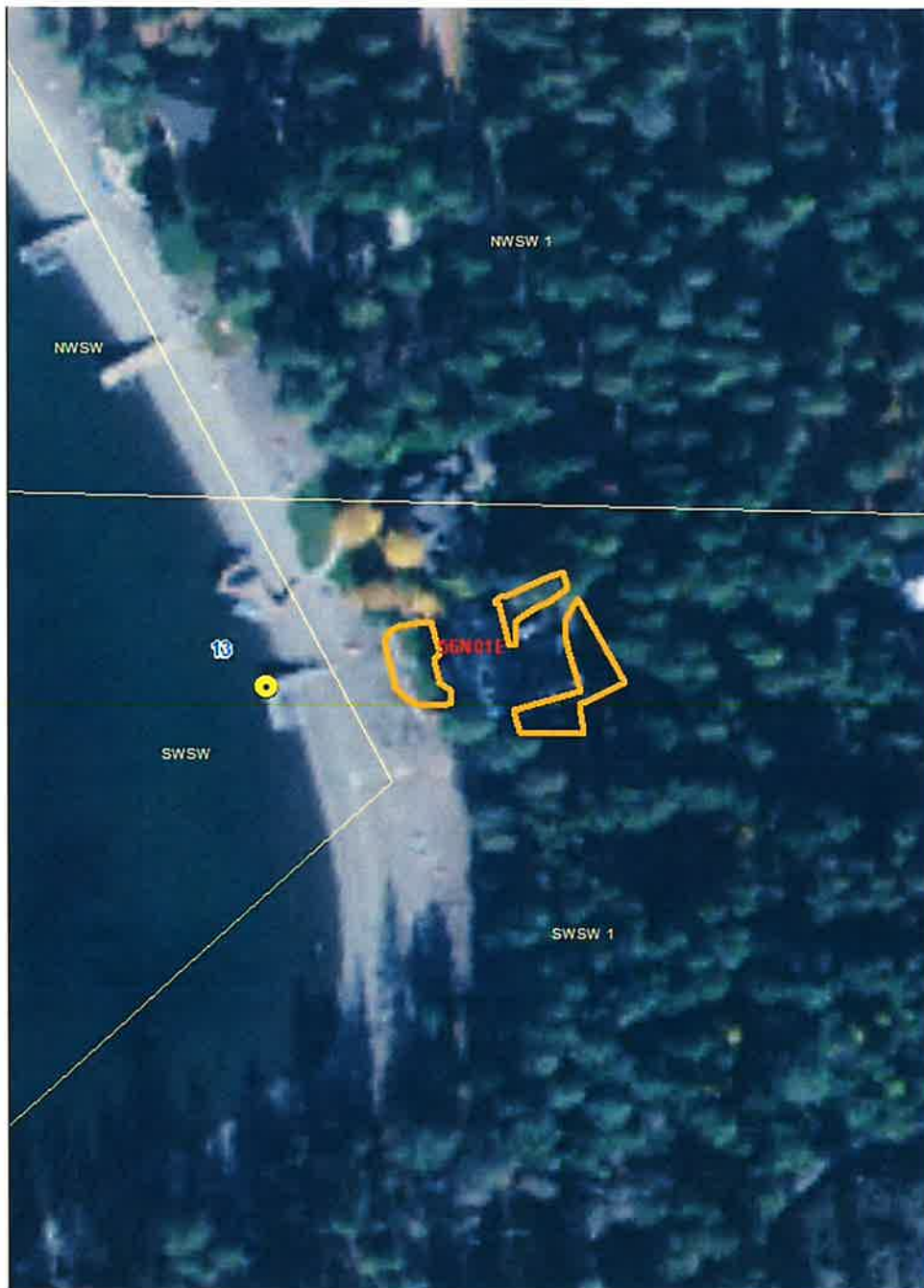
Field Examiner: Skyler Cheever – Water Resource Agent

Field Examiner's  Date 1/50/2024

Reviewer  Date 3/21/24

Field Exam Map

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



2023 Bonner County Aerial Imagery

Imagery confirmed the development of 0.1 acres of irrigation within the development period.

96-12297 Irrigation Map



Beneficial Use Proof Evaluation

Permit Number: 96-12297 Reviewer: AVEibell Review Date: 1/19/2024

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: 1/17/2024
- 4) Proof Due Date: 2/1/2024
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -15
- 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

N040787

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.

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL



9214 8901 9403 8340 2284 87

TRAVIS DODD
PO BOX 2193
SANDPOINT ID 83864-0909



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

November 30, 2023

TRAVIS DODD
PO BOX 2193
SANDPOINT ID 83864-0909

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-12297

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 **February 01, 2024**. 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,

Amanda Veibell
Technical Records Specialist

Enclosure(s)