

Cefalo, James

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, June 8, 2021 5:24 PM
To: hansenranchs@msn.com; hansenk36@gmail.com; stoveman@silverstar.com; hansen_brian@sbcglobal.net
Cc: 'Dennis Gertmenian'; Rob Harris; 'Roger Warner'; Harvey Walker; Cefalo, James
Subject: Response to Protests of Grouse Creek Reserve Transer
Attachments: Response to Protests Transfer 84788_r.pdf

Dear parties,

We received a copy of your protests against Transfer 84788 in the name of Grouse Creek Reserve LLC. Attached is a letter that includes some information and hopefully addresses some of your concerns. A hard copy is also being sent out to your address listed on your protests. Please feel free to reach out to us if you have additional questions. IDWR has scheduled a prehearing for this application for June 21 at 9:00 am.

Thank you,

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



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June 4, 2021

RMEA 20-0055

Gary L Hansen
c/o Brian L Hansen
335 Parker Dr.
Folsom, CA 95630

Rodney Barnes
PO Box 1054
Driggs, ID 83422

Dennis D Craig
35 E 7000 N
Tetonia, ID 83452

Ronald D Hansen
6935 N 500 W
Tetonia, ID 83452

Kyle Hansen
6345 N 500 W
Tetonia, ID 83452

Re: Protests against Application for Transfer 84788 in the name of Grouse Creek Reserve LLC

Dear Protestants,

We have been assisting Dennis Gertmenian on behalf of Grouse Creek Reserve LLC in Application for Transfer 84788. In response to your concerns expressed in your Notice of Protests, we are providing herein information and documents to address the issues identified.

Section 42-222, Idaho Code identifies issues, identified in the notice sent by IDWR on April 27, 2021, that the applicant must address. Below are the questions and our responses.

1. Will the proposed transfer reduce the quantity of water under existing Water Rights?

The transfer application does not propose to move the entirety of the water rights. Only 60% of the water rights are proposed to be conveyed through

Grouse Creek. The remaining 40%, or 1.42 cfs, of the water rights will remain deliverable through the original conveyance system, either through North Leigh Canal or the Hubbard Ditch. To verify that there will be no injury to any users remaining on North Leigh Canal or the Hubbard Ditch, a conveyance loss calculation using the Worstell Method was performed to determine the applicant's contribution to conveyance losses in the original system. The calculation considers the soil type, the length and width of the canal/ditch, and the total water deliverable. The soil type is extremely gravelly, which can lose water at a rate of 2-6 feet per day. Since the acceptable seepage rate for extremely gravelly soil is so broad, the highest seepage rate was used for the calculation. A copy of the calculation page and a map of the conveyance system are attached as Exhibit 1.

The results of the analysis are that the applicant contributes up to 37 inches of the conveyance losses, either through the North Leigh Canal path or the Hubbard Ditch path. This is the applicant's proportional share of the total conveyance losses in the canal/ditch. In order to avoid injury to other users, 0.73 cfs of the applicant's water rights must continue to be diverted through the original system. The Application for Transfer proposes to leave 1.42 cfs, which is almost twice as much as the calculated conveyance losses. No injury is anticipated to other users in the canal/ditch.

2. Will the proposed transfer constitute an enlargement in use of the original right?

No. The water right will continue to be used for irrigation at the original place of use.

One concern expressed in the protests is that the water rights are really being used to provide water for ponds on Grouse Creek that have been developed by the applicant. This application does not propose any use for ponds. Before developing the ponds, the applicant obtained a water right to maintain the ponds. Water Right 22-14205 allows diversion from ground water to be diverted into Grouse Creek for maintenance of the ponds. Water Right 22-14382 also authorizes an additional 2.0 acre-feet to be diverted into Grouse Creek to augment flows for Fish Habitat. In addition to the two water rights already obtained, all necessary permits through the Army Corp of Engineers were obtained. Note that not all of the restoration work on Grouse Creek enlarges the surface area of the creek and requires a water right. Any work on Grouse Creek requiring a water right has been covered by the water rights listed above. A copy of the water rights and the pond permits are included in Exhibit 2.

3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?

No. The current diversion system is very inefficient. As of this spring, the Hubbard Ditch is not even authorized to divert water, having been shut by the water master for failure to install a weir. As the applicant is at the end of the ditch, and the last to receive water, it has been challenging to obtain enough water for proper irrigation, especially during the peak of the season. By moving some of the water to Grouse Creek for delivery, water can be delivered more effectively to the place of use.

No additional water will be diverted from North Leigh Creek. Nor will the diversion be changed at the original source. The entire conveyance path proposed is used for existing water rights. There will be no new conveyance losses or evaporation from new channels. The proposed change will not be contrary to the conservation of water resources.

- 4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?**

No. As stated in Question #1, there are no affects to the water available to neighboring users nor are there affects to the original source.

- 5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?**

Since there is no change proposed to the original point of diversion, there are no adverse effects to the local watershed or source of water. This change will improve flows for a small section of the natural channel of Grouse Creek from the point where it is injected to the point where it is rediverted.

- 6. If the proposed transfer is for a municipal use, is it necessary to provide reasonably anticipated future needs for a municipal service area and is the planning horizon consistent with Sections 42-222 and 42-202B, Idaho Code?**

No. This is not for municipal use.

- 7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?**

No. There is no change in nature of use.

We would be happy to discuss these issues if additional information is needed. Please contact our office if you have questions.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore". The signature is written in a cursive, flowing style.

Kristin Moore
Senior Water Rights Analyst

Enclosures: Exhibits

Conveyance Loss Calculation for 22-131C, 22-238B, 22-2029E
Worstell Method

S=0.0667/W

S seepage loss (cfs/mile)

I seepage rate (ft/day)

W Top width of water surface (ft)

0.0667 conversion factor to convert units and a factor to estimate the wetted perimeter as a function of W

Path	Ditch/Canal	Soil Symbol*	Soil Texture @ 2 ft	Loss per day (ft/day)**	Reach Length (ft)***	Reach Length (mi)***	Reach Ave Width (ft)***	S (cfs/mile)	Conveyance Losses (cfs)
1	North Leigh Canal	1	13430 Extremely gravelly sandy loam, extremely cobbly loamy sand	6	5212	0.99	6	2.40	2.37
	North Leigh Canal	2	13425 Extremely gravelly loam, extremely gravelly loamy sand, very gravelly loam	6	680	0.13	6	2.40	0.31
	Hubbard	4	13425 Extremely gravelly loam, extremely gravelly loamy sand, very gravelly loam	6	6806	1.29	6	2.40	3.10
	Hubbard	5	13430 Extremely gravelly sandy loam, extremely cobbly loamy sand	6	279	0.05	4	1.60	0.08
	Totals for Path 1				12977	2.46			5.86
2	Hubbard	3	13425 Extremely gravelly loam, extremely gravelly loamy sand, very gravelly loam	6	2405	0.46	6	2.40	1.09
	Hubbard	4	13425 Extremely gravelly loam, extremely gravelly loamy sand, very gravelly loam	6	6806	1.29	6	2.40	3.10
	Hubbard	5	13430 Extremely gravelly sandy loam, extremely cobbly loamy sand	6	279	0.05	4	1.60	0.08
	Totals for Path 2				9490	1.80			4.27

Path 1

North Leigh Canal that flows into Hubbard

Canal or Ditch

Total Seepage Losses in Canal (cfs)

Total Users (cfs)****

22-131C, 22-238B, 22-2029E

Grouse Creek Portion of Conveyance Losses (%)

Grouse Creek Portion of Conveyance Losses (cfs)

Portion Proposed to Leave in Original Ditch (cfs)

Grouse Creek Portion Transferable (cfs)

Portion Proposed to Transfer (cfs)

Path 2

Hubbard Ditch Only

4.27 cfs

21.17 cfs

3.55 cfs

17%

0.72 cfs

36 inches

1.42 cfs

2.83 cfs

2.13 cfs

References

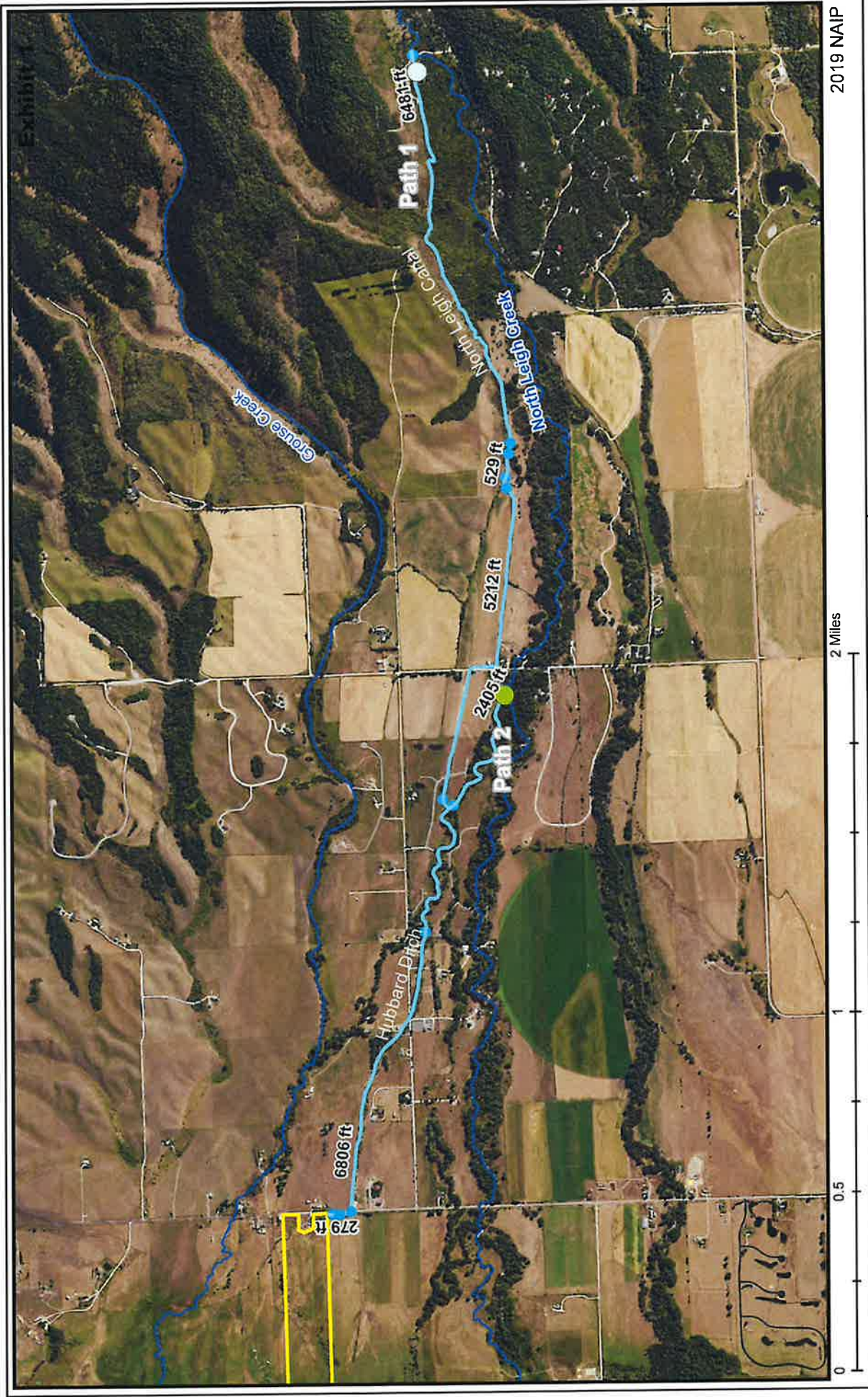
*Soil Symbol and Soil Texture obtained from NRCS Soil Report

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <http://websoilsurvey.sc.egov.usda.gov/>. Accessed [month/day/yr]

**Worstell Method and Losses per day based on soil type from Hubble Report Pgs 35-38. Reported to be in the range of 3-6 ft/day

***Reach length and width were measured using aerial imagery

****Based on information obtained through WR database and then limited to only those users who can divert from the North Leigh Canal or Hubbard Ditch or Both



2019 NAIP

2 Miles

Legend

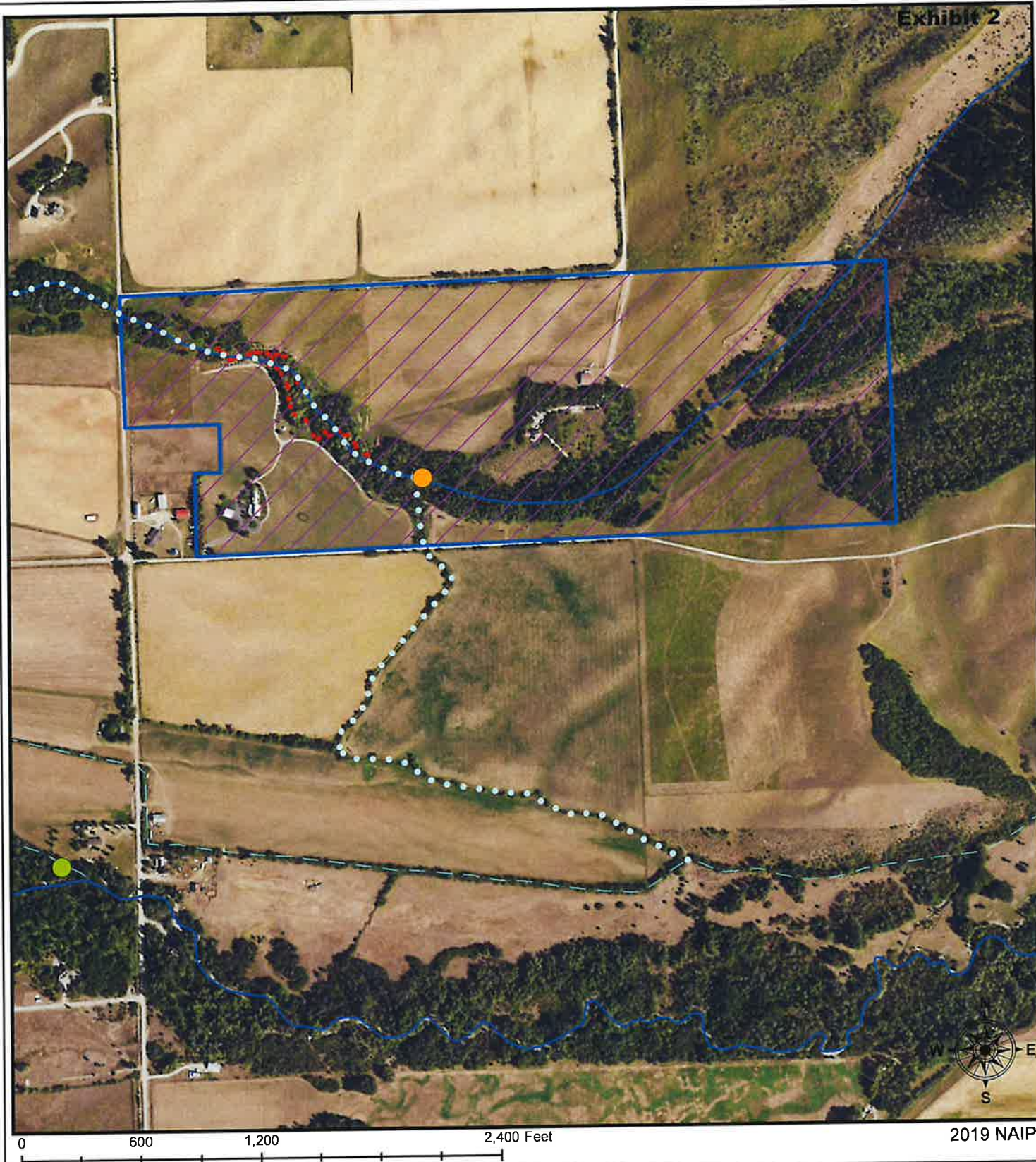
- Existing Diversion - North Leigh Canal
- Existing Diversion - Hubbard Ditch
- Existing WRC conveyance for ConvLossCalcs
- ▭ Place of Use

Paths of Conveyance for Calculations

Grouse Creek Reserve LLC

RMEA # 20-0055
by: KM
Date: 5/20/2021





Legend

- Point of Injection
- Existing Diversion - Hubbard Ditch
- Proposed Addition to Path of Conv.
- Existing Path of Conveyance
- Grouse Creek Reserve LLC
- WR 22-14205
- WR 22-14382

Existing Pond/Fish Propagation Water Rights at Grouse Creek Reserve

Grouse Creek Reserve LLC

RMEA # 20-0055
by: KM
Date: 6/3/2021



2019 NAIP

WATER RIGHT REPORT

4/27/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-14205

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GROUSE CREEK RESERVE LLC 180 S LAKE AVE STE 405 PASADENA, CA 91101-4711 6267950713
Original Owner	GARY SUMMERS
Original Owner	SHANNON SUMMERS 1177 E 9TH N REXBURG, ID 83440 2083510077

Priority Date: 06/19/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	1 /1	12/31		4.1 AFA
DIVERSION TO STORAGE	1 /1	12/31	0.024 CFS	
Total Diversion			0.024 CFS	4.1 AFA

Location of Point(s) of Diversion:

GROUND WATER | SWSW Lt 4 | Sec. 19 | Township 06N | Range 46E | TETON County

Place(s) of use:

Place of Use Legal Description: WILDLIFE STORAGE TETON County

Exhibit 2

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	46E	19	4	SWSW			SESW							

Conditions of Approval:

1. 219 Right 22-14026 authorizes the total annual storage volume of 4.14 acre-feet, 0.24 acre-feet to be used for the initial filling of the pond(s), 3.77 acre-feet for refilling the ponds (not to exceed 16 refills) and 0.13 acre-feet for the replacement of losses caused by seepage and evaporation.
2. 220 The thirty-four (34) ponds established by the storage of water under this right shall not exceed a total capacity of 0.24 acre-feet or a total surface area of 0.05 acres.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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06N	46E	19		SWSW		SESW									
				SWSE											

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	46E	19		SWSE	7									
		30		NWNE	2									

Total Acres: 9

Conditions of Approval:

1. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Dates:

Licensed Date: 10/19/2000

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: EXC

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 NORTH SKYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402-1718

October 29, 2020

Regulatory Division

SUBJECT: NWW-2020-428-I02, Grouse Creek Restoration

Dennis Gertmenian
Grouse Creek Reserve, LLC
180 S Lake Ave Suite 405
Pasadena, California 91101

Dear Mr. Gertmenian:

We have determined that your proposed project "Grouse Creek Restoration" is authorized in accordance with Department of Army (DA) **Nationwide Permit (NWP) No. 18: Minor Discharges and NWP 27: Aquatic Habitat Restoration, Establishment, and Enhancement**. This project is located at N 1000 E and E 7250 N, within Section 19 of Township 6 North, Range 46 East, near latitude 43.825862° N and longitude - 111.073583° W, in Teton County, near Teton, Idaho. Please refer to File Number NWW-2020-428-I02 in all future correspondence with our office regarding this project.

Project activities include the discharge of 111 cubic yards of rock, logs and dirt fill below the ordinary high water mark of Grouse Creek associated with restoring stream function by creating riffles and pools along 503 linear feet of stream. An existing ford will also be rehabilitated and replaced with a bridge which would result in the loss of approximately 0.053 acres of wetlands. All work shall be done in accordance with the information provided in and drawings attached to your August 25, 2020 Joint Application for Permits.

AUTHORITY

DA permit authorization is necessary because your project would involve the discharge of dredged and/or fill material into Waters of the U.S., including wetlands. This authority is outlined in Section 404 of the Clean Water Act (33 U.S.C. 1344).

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PERMIT CONDITIONS

You must comply with all regional, general, and special conditions for this verification letter to remain valid and to avoid possible enforcement actions. The regional and general permit conditions for *NWP No. 18: Minor Discharges* and *NWP No. 27: Aquatic Habitat Restoration, Establishment, and Enhancement* are available online at <http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/>. If you are unable to access this website or would prefer a hard copy of the regional and general conditions, please notify us and we will provide you a copy. In addition, you must also comply with the special conditions listed below.

The following Special Conditions include:

- a. In-water work shall be accomplished during periods of low flow to reduce turbidity.
- b. Remove equipment and machinery from the vicinity of the waterway, to an upland location prior to refueling, repair or maintenance.
- c. Re-vegetate all areas disturbed by project construction with native species immediately upon completion of the project, to protect them from erosion. Revegetation shall include planting native woody species adjacent to the stream.
- d. Excess dredged or fill material must be spoiled in upland areas where it cannot reenter waters of the United States, including wetlands.
- e. The permittee is responsible for all work done by any contractor. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization, including any Special Conditions listed above. Permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.

WATER QUALITY CERTIFICATION

You must also comply with the conditions detailed in the Section 401 Water Quality Certification (WQC) issued by the Idaho Department of Environmental Quality (IDEQ) on March 3, 2017. For your review, a copy of this 401 WQC is available on the IDEQ's website at: <http://www.deq.idaho.gov/media/60179758/nationwide-permits-2017-401-certification-0317.pdf>. If you have any questions regarding the conditions set forth in the Water Quality Certification, please contact IDEQ directly at 208-528-2650, Idaho Falls Regional Office.

COMPLIANCE CERTIFICATION

Further, Nationwide Permit General Condition 30 (*Compliance Certification*) requires that every permittee who has received NWP verification must submit a signed certification regarding the completed work and any required mitigation. The enclosed Compliance Certification form is enclosed for your convenience and must be completed and returned to us.

- 3 -

LIMITATIONS OF THIS VERIFICATION

This letter of authorization does not convey any property rights, or any exclusive privileges and does not authorize any injury to property or excuse you from compliance with other Federal, State, or local statutes, ordinances, regulations, or requirements which may affect this work.

EXPIRATION OF THIS VERIFICATION

This verification is valid until **March 18, 2022**, unless the NWP is modified, suspended or revoked. If your project, as permitted under this NWP verification is changed and/or modified, you must contact our office prior to commencing any work activities. In the event you have not completed construction of your project by March 18, 2022, please contact us at least 60-days prior to this date. A new application and verification may be required.

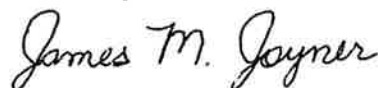
CUSTOMER SERVICE

We actively use feedback to improve our delivery and provide you with the best possible service. Please take our online customer service survey to tell us how we are doing. Follow this link to take the survey: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you have questions or if you would like a paper copy of the survey, call our office at 208-433-4464. For more information about the Walla Walla District Regulatory program, visit us online at <http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>.

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If you have any questions or need additional information about this permit, you can contact me at 208-522-1645, by mail at the address in the letterhead, or email at james.m.joyner@usace.army.mil. For informational purposes, a copy of this letter will be sent to: Katie Salsbury (Intermountain Aquatics, Inc.), Aaron Golart (IDWR), Troy Saffle (IDEQ) and Gary Armstrong (Teton County).

Sincerely,

A handwritten signature in black ink that reads "James M. Joyner". The signature is written in a cursive style with a large, stylized "J" and "M".

James M. Joyner
Sr. Project Manager
Regulatory Division

Enclosures:

Transfer of Nationwide Permit Form

TRANSFER OF NATIONWIDE PERMIT

When the structures or work authorized by this Nationwide Permit, **NWW-2020-428-102, Grouse Creek Restoration**, are still in existence at the time the property is transferred. The terms and conditions of this Nationwide Permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this Nationwide Permit, the associated liabilities and compliance with the terms and conditions the transferee must sign and date below.

Name of New Owner:

Street Address:

Mailing Address:

City, State, Zip:

Phone Number:

Signature of TRANSFeree

DATE

COMPLIANCE CERTIFICATION



**US Army Corps of Engineers
Walla Walla District**



Permit Number: NWW-2020-428-I02

Name of Permittee: Grouse Creek Reserve, LLC

Date of Issuance: October 29, 2020

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Walla Walla District
Idaho Falls Regulatory Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit. The required mitigation was also completed in accordance with the permit conditions.

Signature of PERMITEE

DATE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
 Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

BRAD LITTLE
 Governor

GARY SPACKMAN
 Director

December 3, 2020

Dennis Gertmenian
 Grouse Creek Reserve LLC
 180 S. Lake Ave. Suite 405
 Pasadena, CA 91101

RE: Joint Application for Permit No. S22-20290
 Grouse Creek – Stream Restoration and Bridge Construction

Dear Mr. Gertmenian:

The Idaho Department of Water Resources (IDWR) has reviewed your above referenced application for a permit to alter Grouse Creek and has prepared a decision as provided for in Section 42-3805, Idaho Code. The conditions set forth in this permit are intended to prevent degradation of water quality, protect fish and wildlife habitat, and protect the long-term stability of the stream channel. If you cannot meet the conditions set forth in the permit, please contact this office for further consideration.

You may consider this letter a permit to construct your project according to your attached application, dated August 25, 2020, including diagrams. Project activities include the construction of a variety of stream restoration treatments to help increase salmonid habitat complexity and improve water quality. A full span bridge will be constructed to replace an existing ford and the ford will be rehabilitated. The stream restoration treatments include creating riffles and pools, adding large wood, and planting native vegetation. Total project activities will result in the excavation of approximately 380 cubic yards of stream substrate/wetland material and the discharge of approximately two (2) cubic yards of wood, 101 cubic yards of rock, and eight (8) cubic yards of native fill material along approximately 500 linear feet of Grouse Creek. The project location is within Section 19, Township 06 North, Range 46 East, Boise Meridian, Teton County, Idaho.

Failure to adhere to the conditions as set forth herein can result in legal action as provided for in Section 42-3809, Idaho Code. This project is subject to the following Minimum Standards, Special, and General Conditions.

MINIMUM STANDARDS:

These standards are established in the Administrative Rules of the Idaho Water Resources Board; Stream Channel Alteration Rules, IDAPA 37.03.07, are enclosed with this permit.

Rule 56 - Construction Procedures
 Rule 59 - Culverts and Bridges

SPECIAL CONDITIONS:

[1] All construction shall be completed in accordance with the descriptions and methods on the attached application and diagrams. This office must approve any changes prior to construction.

[2] All construction activities shall be conducted in such a manner as to minimize turbidity and comply with Idaho water quality standards. The construction shall take place in the dry between September 15 and October 31.

[3] Silt fencing or other erosion and sediment control measures shall be installed between any area of earth disturbance and the water. Erosion and sediment control measures shall be installed during construction according to the manufacturer's specifications and must be maintained until construction is completed and the disturbed ground is revegetated and stable.

[4] Stream bank vegetation shall be protected to the extent practical during construction. Disturbed areas not protected with willows or native woody vegetation shall be seeded with a native perennial grass/forb/shrub mixture to reduce erosion, restore bank cover and habitat and inhibit invasion of noxious weeds.

[5] Dormant willow cuttings, willow bundles, willow clumps, or other native woody vegetation shall be planted within disturbed streambanks (cuttings spaced no greater than 2-foot intervals, bundles or clumps spaced no greater than 5-foot intervals).

[6] All temporary structures, excess excavated material, vegetative or construction debris shall be disposed of out of the stream channel where it cannot reenter the channel. All construction debris shall be removed from the site and disposed of properly.

[7] All fuel, oil, and other hazardous materials shall be stored and equipment refueled away from the stream channel to ensure that a spill will not enter the waterway. Equipment must be free of fuel and lubricant leaks. The operator shall have spill control materials available at all times during this project. These spill control materials shall include, but not be limited to, fuel and/or oil absorbent booms and absorbent pads. In the event of a release greater than 25 gallons of fuel or oil to the ground or to surface waters, the Idaho State EMS Communications Center, or StateComm, shall be contacted at 1-877-554-3367 or 208-846-7610.

[8] Permittee shall submit an annual report to Aaron Golart, State Coordinator Stream Protection Program, by December 31 of each year for a minimum of 2 years following initial construction. The report shall describe completed measures, including vegetation planted, and shall address each of the project goals.

[9] Permittee is responsible for all work done by any contractor and shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization.

[10] This permit shall expire December 31, 2022.

GENERAL CONDITIONS:

1. This permit does not constitute any of the following:
 - a. An easement or right-of-way to trespass or work upon property belonging to others.
 - b. Other approval that may be required by Local, State or Federal Government, unless specifically stated in the special conditions above.
 - c. Responsibility of the IDWR for damage to any properties due to work done.
 - d. Compliance with the Federal Flood Insurance Program, FEMA regulations or approval of the local Planning and Zoning authority.
2. In accordance with Sections 55-2201 - 55-2210, Idaho Code, the applicant and/or contractors must contact Digline statewide phone number 1-800-342-1585 (Boise area 208-342-1585) not less than three working days prior to the start of any excavation for this project.
3. The permit holder or operator must have a copy of this permit at the alteration site, available for inspection at all times.
4. The IDWR may cancel or amend this permit at any time that it determines such action is necessary to minimize adverse impact on the stream channel.

Conditions and construction procedures approved under this permit may not coincide with the proposal as submitted. Failure to adhere to conditions as set forth herein can result in legal action as provided for in Section 42-3809, Idaho Code.

If you object to the decision issuing this permit with the above conditions, you have 15 days in which to notify this office in writing that you request a formal hearing on the matter. If an objection has not been received within 15 days, the decision will be final under the provisions of IDAPA 37.03.07 (Rule 70).

Please contact Aaron Golart 208-287-4941 or aaron.golart@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,



Aaron Golart
State Coordinator
Stream Protection Program

cc: Katie Salsbury, Intermountain Aquatics, Inc., Driggs
Troy Saffle, Idaho Department of Environmental Quality, Idaho Falls
Jacob Gray, Idaho Department of Fish and Game, Idaho Falls
Pat Brown, Idaho Department of Lands, Idaho Falls
Wendy Danielson, Teton County, Driggs
James Joyner, US Army Corps of Engineers, Idaho Falls



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region 900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 Website: www.idwr.idaho.gov

Exhibit 2

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 24, 2013

Intermountain Aquatics Inc
Jason Chircop
PO BOX 1115
Driggs, ID 85422

RE: Monitoring Report Requirements, 22-20135.

Dear Mr. Chircop;

The Department has received your correspondence requesting the removal of the monitoring report requirements for permit 22-20135. Based upon the success of the project, the Department will waive the final 2014 monitoring report requirements.

Please be aware, as standard practice the Department attempts to complete a final inspection on all permitted projects. RP Ranches may be contacted in the future to complete this final inspection.

If you have any questions please let me know.

Sincerely,

A handwritten signature in black ink that reads "Kerrie Mathews".

Kerrie Mathews



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 N SKYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402

4 September 2013

Regulatory Division

SUBJECT: NWW-2011-132-I02, Grouse Creek Restoration Project

Mr. Jason Chircop
Intermountain Aquatics
116 Mustang Drive
Driggs, Idaho 83422

Dear Mr. Chircop:

This letter is in response to your 23 August 2013 request on behalf of RP Ranches, LLC that annual monitoring of the Grouse Creek Restoration Project (NWW-2011-132-I02) be discontinued given the success of revegetation efforts and other project objectives. Based on your 2013 monitoring report the Corps agrees that the project is functioning successfully and agrees that additional monitoring is not necessary.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. Please visit our web site at <http://per2.nwp.usace.army.mil/survey.html> and complete an electronic version of our Customer Service Survey form. Your responses are appreciated and will allow us to improve our services.

Please contact me by telephone at (208) 522-1676, by mail at the address in the above letterhead, or via e-mail at james.m.joyner@usace.army.mil if we can be of further assistance or if you have any questions regarding this letter.

Sincerely,

James M. Joyner
Sr. Project Manager, Regulatory