

Nelson, Dan

From: Rob Felix <rfelix@veritymgt.com>
Sent: Tuesday, July 14, 2020 9:42 AM
To: Nelson, Dan; Skoro, Emily
Cc: Brandi Pearson
Subject: RE: Water Right Permit Response

No problem Dan – I did a quick search myself and couldn't find my email to you either – I just didn't feel like continuing the search. Probably my fault! Thanks.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, July 14, 2020 9:39 AM
To: Rob Felix <rfelix@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Cc: Brandi Pearson <BPearson@veritymgt.com>; 'Dylan Lawrence' <dylanlawrence@varinwardwell.com>
Subject: RE: Water Right Permit Response

Hello Robert,

I have searched my email records, and I couldn't find your original email in April. This was during the time we were all trying to work from home, so it probably got lost in our computer system. I am sorry I missed the earlier email. I will need to check to see if we can consider this letter a relinquishment of the permit, or if we need to issue an order voiding the permit. Either way, you will be notified that the permit is no longer in affect.

Thank you for sending this information a second time.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Rob Felix [mailto:rfelix@veritymgt.com]
Sent: Tuesday, July 14, 2020 9:26 AM
To: Skoro, Emily <Emily.Skoro@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Cc: Brandi Pearson <BPearson@veritymgt.com>; 'Dylan Lawrence' <dylanlawrence@varinwardwell.com>
Subject: FW: Water Right Permit Response

Good morning Emily – this communication was approved by the Lake Harbor Master Association in April and was forwarded to Dan around that time. Please review and let me know if this satisfies your inquiry. Thank you.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

From: Rob Felix
Sent: Monday, April 27, 2020 12:01 PM
To: 'Tom Janstrom' <jans0m@msn.com>; 'Grant Anderson' <gandm09@hotmail.com>; 'Stan Mock' <stan@fps4u.com>
Cc: Brandi Pearson <BPearson@veritymgt.com>
Subject: Water Right Permit Response

Gentlemen – please review the attached response regarding the spring water permit. Please let me know if you have any suggestions or changes and I'll submit to Dan. Thank you.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



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Nelson, Dan

From: Rob Felix <rfelix@veritymgt.com>
Sent: Tuesday, July 14, 2020 9:26 AM
To: Skoro, Emily; Nelson, Dan
Cc: Brandi Pearson; 'Dylan Lawrence'
Subject: FW: Water Right Permit Response
Attachments: Water_Right_Permit_63-10327_Response_200427.pdf

Good morning Emily – this communication was approved by the Lake Harbor Master Association in April and was forwarded to Dan around that time. Please review and let me know if this satisfies your inquiry. Thank you.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



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From: Rob Felix
Sent: Monday, April 27, 2020 12:01 PM
To: 'Tom Janstrom' <jans0m@msn.com>; 'Grant Anderson' <gandm09@hotmail.com>; 'Stan Mock' <stan@fps4u.com>
Cc: Brandi Pearson <BPearson@veritymgt.com>
Subject: Water Right Permit Response

Gentlemen – please review the attached response regarding the spring water permit. Please let me know if you have any suggestions or changes and I'll submit to Dan. Thank you.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



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April 27, 2020

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
322 E Front St. Ste 648
Boise, ID 83702

RE: Water Right Permit 63-10327

Dear Daniel,

The Board of Directors for the Lake Harbor Master Association, Inc. has reviewed at length the state's Notice of Intent to Void water right permit number 63-10327. The Board does not see a clear path to meeting the demands of the Notice by locating and or measuring the flow of the spring into Silver Lake.

Therefore it is the Board's intent to vacate the request for this permit, and understands that by so doing it will not interfere with or jeopardize any other water right permit held by Lake Harbor Master Association currently in place.

Thank you for your assistance Daniel.

Respectfully,

Rob Felix

Robert Felix
President
Verity Property Management

CC: Board of Directors

Nelson, Dan

From: Skoro, Emily
Sent: Tuesday, July 14, 2020 7:11 AM
To: Rob Felix; Nelson, Dan
Cc: Brandi Pearson; 'Dylan Lawrence'
Subject: RE: Lake Harbor Permit NO. 63-10327
Attachments: Lake Harbor Notice of Intent to Void.pdf; 63-10327 Lakeharbor Final Notification Letter.pdf

Mr. Felix,

I hope you are staying safe and healthy during this time. I am writing to let you know that this is the final communication requesting the necessary information. If the information is not submitted by August 13, 2020, the Department will move forward with voiding the water permit.

Respectfully,

Emily Skoro, PE

Staff Engineer
Idaho Department of Water Resources
Phone 208.287.4906
Fax 208.287.6700
Emily.Skoro@idwr.idaho.gov

From: Rob Felix [<mailto:rfelix@veritymgt.com>]
Sent: Monday, March 30, 2020 8:34 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Brandi Pearson <BPearson@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>; 'Dylan Lawrence' <dylanlawrence@varinwardwell.com>
Subject: RE: Lake Harbor Permit NO. 63-10327

Good morning Dan – I thought I had until mid-April, but none-the-less the board has been reviewing information pertinent to a position on the permit, and will respond to you shortly with a position on the permit application.

Stay healthy and we'll be in touch soon. Thank you.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Monday, March 30, 2020 8:18 AM
To: Rob Felix <rfelix@veritymgt.com>
Cc: Brandi Pearson <BPearson@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: RE: Lake Harbor Permit NO. 63-10327

Dear Mr. Felix,

I wanted to inform you that today was the final day for supplying information to the Department concerning permit 63-10327. Due to the recent Governor's Stay at Home Order dated 3/25/2020, our office is closed, so we will not be requiring this information until after the Stay at Home Order is lifted. Once it is lifted, we send you another letter requesting the needed information. Unfortunately, we will not be able to grant any further extensions after that time. If you are no longer interested in this permit, please complete the attached relinquishment of permit form.

Emily and I are currently working from home, but I have forwarded my work telephone to my home telephone number. Please don't hesitate to contact me by telephone or email if you have any questions.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 14, 2020

LAKE HARBOR MASTER ASSN INC
3775 CASSIA ST
BOISE ID 83705

RE: Water Right Permit 63-10327

Ladies and Gentlemen:

The Department of Water Resources (Department) is writing to inform you that if we do not receive the requested information by August 13, 2020. The Department will void water right permit 63-10327. The Department will not be able to grant any further extensions.

Respectfully,

Emily Skoro
Staff Engineer
Idaho Department of Water Resources
Telephone (208) 287-4906
Fax (208) 287-6700 (attn: Emily Skoro)

Nelson, Dan

From: Rob Felix <rfelix@veritymgt.com>
Sent: Monday, March 30, 2020 8:34 AM
To: Nelson, Dan
Cc: Brandi Pearson; Skoro, Emily; 'Dylan Lawrence'
Subject: RE: Lake Harbor Permit NO. 63-10327

Good morning Dan – I thought I had until mid-April, but none-the-less the board has been reviewing information pertinent to a position on the permit, and will respond to you shortly with a position on the permit application.

Stay healthy and we'll be in touch soon. Thank you.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



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From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Monday, March 30, 2020 8:18 AM
To: Rob Felix <rfelix@veritymgt.com>
Cc: Brandi Pearson <BPearson@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: RE: Lake Harbor Permit NO. 63-10327

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I wanted to inform you that today was the final day for supplying information to the Department concerning permit 63-10327. Due to the recent Governor's Stay at Home Order dated 3/25/2020, our office is closed, so we will not be requiring this information until after the Stay at Home Order is lifted. Once it is lifted, we send you another letter requesting the needed information. Unfortunately, we will not be able to grant any further extensions after that time. If you are no longer interested in this permit, please complete the attached relinquishment of permit form.

Emily and I are currently working from home, but I have forwarded my work telephone to my home telephone number. Please don't hesitate to contact me by telephone or email if you have any questions.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Nelson, Dan

From: Rob Felix <rfelix@veritymgt.com>
Sent: Tuesday, October 15, 2019 10:20 AM
To: Nelson, Dan
Cc: Brandi Pearson; Skoro, Emily
Subject: RE: Lake Harbor Permit NO. 63-10327

Thank you kindly sir.

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, October 15, 2019 10:13 AM
To: Rob Felix <rfelix@veritymgt.com>
Cc: Brandi Pearson <BPearson@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: RE: Lake Harbor Permit NO. 63-10327

Dear Mr. Felix,

I am sorry about the data error. Yes, we are going to extend the time to submit the information requested in the September 17, 2019, Notice of Intent to Void to April 30, 2020.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Rob Felix [mailto:rfelix@veritymgt.com]
Sent: Tuesday, October 15, 2019 9:46 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Brandi Pearson <BPearson@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: RE: Lake Harbor Permit NO. 63-10327

Dan – thank you. Did you mean to extend the date to April 30, 2020?

Robert A. Felix, CMCA, LSM, PCAM, RS

President
(208) 342-7368



****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Tuesday, October 15, 2019 9:26 AM
To: Rob Felix <rfelix@veritymgt.com>
Cc: Brandi Pearson <BPearson@veritymgt.com>; Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: RE: Lake Harbor Permit NO. 63-10327

Dear Mr. Felix,

I have spoken with our administrative staff, and we have agreed to extend the time to provide the information requested in the September 17, 2019, Notice of Intent to Void (Notice) permit 63-10327. We have agreed to extend the time to provide the information requested in the Notice until April 30, 2019. **No further extensions will be granted**, and if we do not receive the information requested by that time, **we will void the permit without any further notification from our office.**

I also would like to re-iterate the history of this permit discussed in my earlier email. This permit was lapsed and was not considered to be a valid water right from January 6, 1994 until it was reinstated on July 29, 2006. Therefore, this was not active permit until it was reinstated in 2006. An attempt to resolve this the status of this permit was made by Idaho Department of Water Resources (Department) staff in April of 2013, and again with Ms. Skoro and myself this year. The Department has given your organization multiple opportunities to show us the spring that is diverting into this lake, but neither attempt has provided any evidence that there is a spring at this location. This could be why the original owners of the permit allowed this permit to lapse in 1994.

The conditions of this permit also require that a measurement device and lockable controlling works be permanently installed and maintained as part of the diversion works to allow the Watermaster of Basin 63 the ability to properly regulate this diversion. Therefore, if this spring has ever diverted water into the lake as stated in the permit, there should be a record of that diversion in the Basin 63 Water District records. We can find no records of water diverted into the lake in the Water District records, nor could we find any evidence of a spring from the two field exams performed by Department staff. We want to give water users every opportunity possible to show they have developed and are complying with the conditions of the water right permit, but in this case we cannot find any evidence that the water use was ever developed or that there is even a spring at this location.

As I stated in my earlier email, your water use from the lake is covered by water right 63-10326, so any water diverted directly from the lake is covered by that decreed water right. This permit is for a separate spring diverting into the lake. I would assume that the original "As Built" plans for this development should have shown the location of the spring and the structure used to divert it into the lake if it exists. If the original plans do not provide that information, then there is a possibility that the spring either dried up during the development or there really wasn't a spring at this location. If the spring dried up or doesn't exist, then we are required by law to void the permit.

I would also like to speak to you concerning the need to resolve this permit. The Snake River Basin Adjudication (SRBA) required that a majority of Department resources be allocated to bring this process to completion, which created a backlog of permits needing to be licensed. Permits to be licensed were not focused on during this time period, because the water user could continue to divert water authorized by the permit even if it wasn't licensed. Once the SRBA was completed, Department staff were then able to focus on the backlogs created by the SRBA process. The Department was given a directive in 2012 to reduce the number of permits needing licensed. In 2012, the Department had approximately 3,800 permits that needed licensing. Since that time, we have reduced the backlog of permits needing licensing to approximately 800 permits statewide. We are now at the point where we must focus on those permits that have been held for years and not acted upon. This is the reason that we are currently working to resolve this permit either through a license or by voiding the permit. I agree that this permit should have been resolved in 2006 when it was reinstated, but we simply didn't have the resources to complete the process at that time. I hope this helps you understand why it has taken so long to reach this point.

If you have any further questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Rob Felix [<mailto:rfelix@veritymgt.com>]
Sent: Monday, October 14, 2019 9:28 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Brandi Pearson <BPearson@veritymgt.com>
Subject: Lake Harbor Permit NO. 63-10327

Dear Mr. Nelson – Since we spoke on the phone on September 20th, I have been spent a great deal of time studying the history of the “Spring Permit No 63-10237” matter and speaking with any and all resources with knowledge of the origination of the original permit request and approval by the Department of Water Resources in 1985.

In addition, we have been working with our Lake Management Vendor and staff to identify various scenarios around the location of the spring and where it might be channeled into the lake.

In my last meeting with the Board of Directors of the Lake Harbor Master Association, I was directed to continue pursuit of the location of the spring using necessary resources to ensure we exhaust all efforts in our search. The Board of Directors are quite perplexed with the urgency of intent to void this permit since it has been in place since 1985, and until your September 17, 2019 letter giving us 30 days to verify the location of the spring, very little concern or communication has been made, or request for information provided to them over the years.

On behalf of the Board of Directors, we have yet to receive verification of the impact of voiding this permit on the Master Association, Local Associations, Businesses and individuals who have since 1985 enjoyed the benefits of this permit. You have requested we “develop a beneficial use of the water under Permit 63-10327 from a spring that is

clearly identified on a map and the amount of water from that spring supplying the lake". This is not a simple task, and will require significant and complex technical support.

We are for instance, in the process of hiring a dive team to scour the bank of the lake for any signs of piping, or indications of spring activity, and continue to request from various sources what the impact voiding this permit will have on the various parties around the lake.

Therefore, I respectfully request a continuance of the deadline on this matter for 6 months to April 30, 2020. There is still much work to be done and communication with appropriate authorities to take place in order for the Board of Directors to render a reasonable and knowledgeable decision regarding this matter.

Respectfully,

Robert A. Felix, CMCA, LSM, PCAM, RS
President
(208) 342-7368



****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, September 17, 2019 8:13 AM
To: Brandi Pearson <BPearson@veritymgt.com>
Cc: Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: RE: Lake Harbor Permit NO. 63-10327

Dear Ms. Pearson,

I am assisting Ms. Skoro with the processing of this permit, so she asked if I could respond to your inquiry. I was involved in the processing of the reinstatement of this permit in 2006, so I have a fairly good knowledge base of this permit. I feel that there may be a bit of confusion concerning the water rights associated with the lake known locally as Silver Lake. On October 4, 1985, The Idaho Department of Water Resources (Department) received two applications of permit from Jeffrey C. Fereday of law office of Givens, McDevitt, Pursley, Webb, and Buser. These two applications for permit were filed for ground water and an unnamed spring.

The ground water application permit was latter approved as a permit and licensed as water right 63-10326. 63-10326 diverted shallow ground water developed as the lake now known locally as Silver Lake, and the source was changed to an unnamed lake to allow the information to make more sense at the time. Water Right 63-10326 was licensed and decreed in the Snake River Basin adjudication, and is now considered a valid water right to store 1,030 af of water in what is known locally as Silver Lake and to use the water in this lake for irrigation of 22.6 acres. Water Right 63-10326 authorize the storage of water and irrigation from Silver Lake.

The spring application for permit was latter approved as a permit, but the permit was allowed to lapse. A request to reinstate the permit was received in 2006, and the permit was reinstated. In the reinstatement, there was a field examination performed by Sherl Chapman, a certified water right examiner. In Mr. Chapman's field report, he described the water as being diverted from Silver Lake and not from a spring. Therefore, Mr. Chapman's field exam was considered deficient. However, the Department moved forward with the reinstatement of the permit, and agreed to go out and perform the field examination for this permit. Rick Collingwood met with J. Steven Fender in 2013 to find the spring. Unfortunately, they were not able to find the spring and could not complete the field examination. Emily Skoro

and I met with your representative September 13, 2019. Mr. Chapman, Rick Collingwood, and our visit makes the third attempt to find and measure the spring diversion authorized by this permit.

From the information available to the Department at this time, it appears as though with the development of the lake and the surrounding area, the spring may have dried up or is piped to the lake through a French drain. In order to license permit 63-10327, we need to see the point where the spring is diverted and measure the amount of water being diverted to Silver Lake. **If we cannot locate and measure the spring then the permit must be voided.** The only way you can get a license for permit 63-10327 is to go over the original development plans and find the location of the spring, and show us where they are located and provide us access to measure the water being delivered from the spring to Silver Lake.

You can find the Department records for water right 63-10326 at <https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=63&Sequence=10326&SplitSuffix=> and you can find the records for permit 63-10327 at <https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=63&Sequence=10327&SplitSuffix=>

I hope this information helps you with understanding what we need to move forward with the licensing of this permit. The water for this permit originates in a spring, and not through the development of Silver Lake. Unfortunately, we need to move forward with the processing of this permit. I have enclosed a "Notice of Intent Void" letter we are mailing out today. In order to allow you additional time to address this issue, I have attached a copy of this letter to this email. Without a spring diverting into Silver Lake, we cannot issue a license for this permit.

Please don't hesitate to contact me if you have any questions concerning this permit.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Brandi Pearson [<mailto:BPearson@veritymgt.com>]
Sent: Monday, September 16, 2019 12:04 PM
To: Skoro, Emily <Emily.Skoro@idwr.idaho.gov>
Subject: FW: Lake Harbor Permit NO. 63-10327

From: Brandi Pearson
Sent: Monday, September 16, 2019 11:54 AM
To: 'emily.skoro@idr.idaho.gov' <emily.skoro@idr.idaho.gov>
Cc: Rob Felix <rfelix@veritymgt.com>
Subject: Lake Harbor Permit NO. 63-10327

Hello Emily,

I have received your voicemail in regards to the information needed on where the spring is located at Silver Lake. You had mentioned that this is the third attempt, please provide me with the documentation of the other two attempts as I do not see we have on file.

Also, you will need to update our address that is on the August 8th notice to C/O Verity Property Management 251 E Front St, Suite 203 Boise, Id 83702.

Best Regards,



Brandi Pearson
Director of Association and Commercial Management
p (208)342-7368 | f (208)342-7325
251 E Front Street, Suite 203
Boise, ID 83702
www.veritymgt.com

****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 17, 2019

LAKE HARBOR MASTER ASSN INC
3775 CASSIA ST
BOISE ID 837052

Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 63-10327

Ladies and Gentlemen:

The Department of Water Resources (Department) is reviewing the above referenced permit to determine if a license can be issued. In order for a permit to be licensed, the permit holder must show that a beneficial use has been developed in excess of existing water rights on the property.

This permit was originally filed for a spring. I have attached a map from the application for permit that shows the spring just south of Highway 44 (State Street) and in the northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 4 North, Range 2 East. I have also attached aerial imagery from 1980 and 2013 showing the same location. I have outlined the area where the spring should be located in the two aerial images with a yellow box.

On September 13, 2019, Emily Skoro and I visited the property to perform a field examination. During that examination, we were met by Orland Bradley, of Cutting Edge Landscape. Mr. Bradley was not aware of the location of the spring. He did describe the irrigation system out of the canal that is marked on aerial imagery with a green dot. Mr. Bradley walked around the lake with us to see if we could see any piping that could be associated with the spring. We were unable to find anything that could be attributed to the spring inlet into the lake.

This permit has underwent a long history to license the permit. Originally, two applications for permit were filed with the Department. The first application was for the development of Silver Lake from shallow ground water. The second application was filed for a spring that would divert into Silver Lake and be used to fill the lake and supply irrigation water. I have enclosed a copy of the initial letter sent by Jeffrey C. Fereday on October 4, 1985.

The application for shallow ground water was permitted and eventually licensed and decreed in the Snake River Basin Adjudication as water right 63-10326. The Department changed the source of permit 63-10326 to an unnamed lake, since there was already a small lake at the location at the time of approving the permit.

The second application was for a spring that would divert into the lake developed by 63-10326 to supply storage and irrigation uses from this spring. On January 6, 1994, a lapsed notice was sent to the owners of the permit stating that proof of beneficial use had not been submitted on this permit. On June 30, 2006, a request was made to reinstate the permit using the unsigned field report and proof of beneficial use form that supposedly was submitted by Sherl Chapman on December 30, 1993. An order was issued on July 28, 2006, reinstating the permit. The field report that was supposedly submitted by Sherl Chapman did not identify the location of the spring, provide any flow information from the spring, and it was not signed. Therefore, the field exam sent in with the 2006 request cannot be used to license this permit.

On November 25, 2013, Department staff met with J. Steven Fender, and again was unable to locate the spring. Staff suggested during correspondence setting up this field examination that you acquire the original development plats to find the actual location of the spring. Staff could not find the spring for this permit during that field examination.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A water appropriation permit authorizes development of a water right within a specific time frame in excess of the water rights already used in the system. Without being able to locate and measure the spring, the Department cannot issue a water right license for this permit. The Department has made several attempts to work with your organization to locate and measure the spring discussed in the permit, but have not been able to find the spring or measure the water available from the spring.

Unless you supply information within thirty days or by October 17, 2019, demonstrating that you have developed a beneficial use of water under Permit 63-10327 from a spring that is clearly identified on a map and the amount of water from that spring supplying the lake, I will take action to void your permit. Any future field examination attempts from Department staff could be subject to additional field examination fees. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,



Daniel A. Nelson

Analyst 3

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

Email dan.nelson@idwr.idaho.gov

Enclosure – Relinquishment of Permit Form
October 4, 1985 Letter From Jeffrey C. Fereday
Computer Generated Proof Report of Permit 63-10327
Original Application For Permit Map
1980 Aerial Photo of Approximate Spring Location
2017 Aerial Photo of Approximate Spring Location

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RELINQUISHMENT OF PERMIT

I, _____, hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to Appropriate the Public Waters of the
State of Idaho, No. _____.

Signed this _____ day of _____, 20 _____.

Permit Holder(s)

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

RAYMOND G. GIVENS
CHAS. F. McDEVITT
KENNETH L. PURSLEY
JAY L. WEBB
PAUL J. BUSER
LEO EDWARD MILLER
KENNETH L. MALLER
CHRISTOPHER J. BEESON
CELESTE KIM VERNETT
TERRY L. MYERS
KENNETH H. McCLURE
JEFFREY C. FEREDAY
JUDITH K. HOLCOMBE
JAMES M. RUNSVOLD

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-8871

TELECOPIER
(208) 341-8498

October 4, 1985

RECEIVED
OCT 10 1985

Department of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

Re: Lakeharbor's Applications for ground water and
surface water permits

Gentlemen:

On behalf of our client, Lakeharbor Partners, Ltd., I
am enclosing two applications for water permits. The first
requests a permit to divert and store ground water; the
second seeks a permit for surface water in a spring. I am
enclosing checks for \$285.00 and \$65.00 respectively, to
cover the costs of the applications.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF:lap

Enclosures

cc: Mr. S. Hilton Smith
Mr. Steve Sweet

RECEIVED
OCT 10 1985

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit 63-10327

9/16/2019

Owner Type **Name and Address**
 Current Owner LAKEHARBOR MASTER ASSN INC
 3775 CASSIA ST
 BOISE, ID 83705
 (208) 342-7368

Priority Date: 6/30/2006

Status: Active

Source
 SPRING

Tributary
 BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.500 CFS	
RECREATION	01/01	12/31	2.000 CFS	
RECREATION STORAGE	01/01	12/31		1,030.0 AF
AESTHETIC	01/01	12/31	2.000 CFS	
AESTHETIC STORAGE	01/01	12/31		1,030.0 AF
DIVERSION TO STORAGE	01/01	12/31	2.000 CFS	
Total Diversion			2.000 CFS	1,030.0 AF

Source and Point(s) of Diversion

SPRING SWSW Sec. 29, Twp 04N, Rge 02E, ADA County

Place Of Use

RECREATION STORAGE within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29											X						
04N	02E	30			X					X	X			X	X	X	X	X	
04N	02E	31	X	X															

AESTHETIC STORAGE within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29											X						
04N	02E	30			X					X	X			X	X	X	X	X	
04N	02E	31	X	X															

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29											7 0						7.0
04N	02E	30			7 0					7 0	7 0			7 0	7.0	7 0	7 0	7 0	56.0
04N	02E	31	7 0	7 0															14.0

Right Acre Limit: 77.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit 63-10327

9/16/2019

POU Total Acres: 77.0

RECREATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29											X						
04N	02E	30			X					X	X			X	X	X	X	X	
04N	02E	31	X	X															

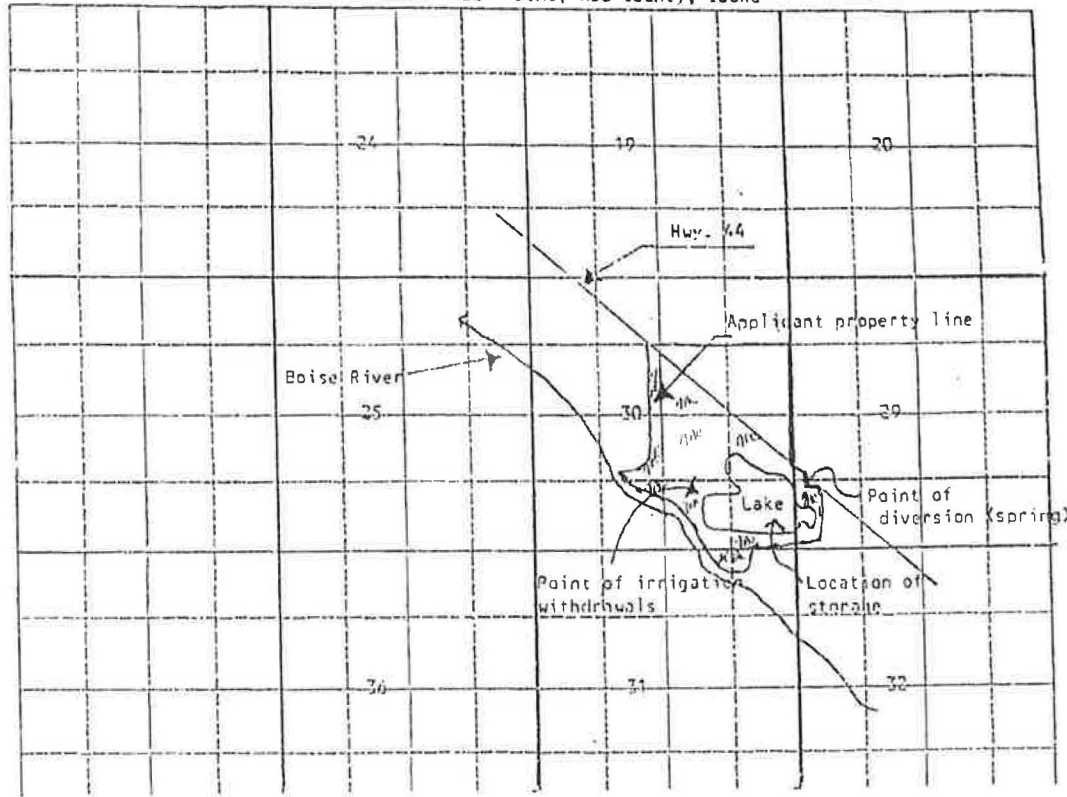
AESTHETIC within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29											X						
04N	02E	30			X					X	X			X	X	X	X	X	
04N	02E	31	X	X															

Conditions of Approval:

1. 026 Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. Use of water under this permit for irrigation purposes may require the purchase of stored water as determined by the watermaster.
4. 005 Use of water under this right is subject to control by the watermaster of State Water District No. 63, Boise River.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number, T4N R2E B.M., Ada County, Idaho



The lands to be irrigated are lawns, landscaped areas and open space which will be situated throughout the development. If necessary, this map can be supplemented later to show the exact locations of such irrigated areas as they are developed.

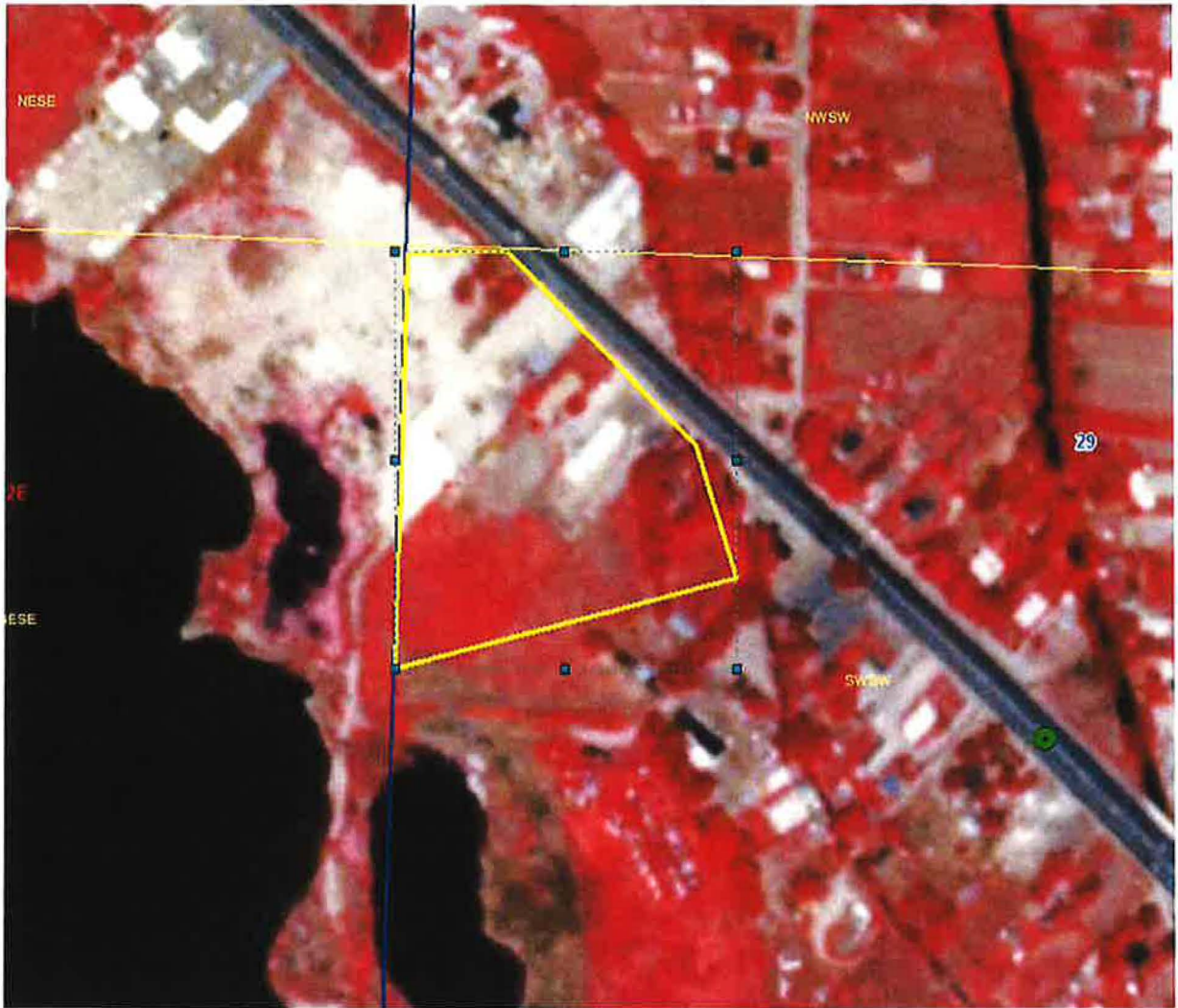
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth:

John Henry Plummer, Jr.
John Henry Plummer, Jr.

2017 Aerial Photo of Approximately Location of spring. Yellow border shows the approximately location of the spring based on the application for permit map. The green dot is the location of the current canal delivery to the property.



2017 Aerial Photo of Approximately Location of spring. Yellow border shows the approximately location of the spring based on the application for permit map. The green dot is the location of the current canal delivery to the property.



From: [Brandi Pearson](#)
To: [Skoro, Emily](#)
Subject: FW: Lake Harbor Permit NO. 63-10327
Date: Monday, September 16, 2019 12:04:15 PM
Attachments: [image002.png](#)

From: Brandi Pearson
Sent: Monday, September 16, 2019 11:54 AM
To: 'emily.skoro@idr.idaho.gov' <emily.skoro@idr.idaho.gov>
Cc: Rob Felix <rfelix@veritymgt.com>
Subject: Lake Harbor Permit NO. 63-10327

Hello Emily,

I have received your voicemail in regards to the information needed on where the spring is located at Silver Lake. You had mentioned that this is the third attempt, please provide me with the documentation of the other two attempts as I do not see we have on file.

Also, you will need to update our address that is on the August 8th notice to C/O Verity Property Management 251 E Front St, Suite 203 Boise, Id 83702.

Best Regards,



Brandi Pearson
Director of Association and Commercial
Management
p (208)342-7368 | f (208)342-7325
251 E Front Street, Suite 203
Boise, ID 83702
www.veritymgt.com

****We comply with all Federal and State Fair Housing and American with Disabilities Laws****

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File Memo:

Field Exam Date: September 13, 2019

Time: 10:30 am

Attendees: Dan Nelson, Emily Skoro, and Orland Brandley

Summary:

Dan Nelson and Emily Skoro conducted a water right field exam for water permit 63-10327 on September 13, 2019 at 10 am. Department staff met with Orland Bradley of Cutting Edge Landscaping, who irrigates the property. Mr. Bradley and Department staff walked around Area 1, Area 2, and Area 3 in search of the water permit point of diversion which is documented as a spring. Mr. Bradley and Department staff were unable to locate a spring or spring inlet into the lake.

After the failed field exam, the applicant was notified that the point of diversion could not be located. The Department requested that the applicant locate the spring and inform Department staff of the location.

Water Permit 63-10327

Water Permit Area



Google Earth

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700 ft

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