

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-13689

Priority: September 16, 1996

Maximum Diversion Volume: 15.0 AF

It is hereby certified that:

CRAMBLET FAMILY TRUST 13885 FARM TO MARKET RD MCCALL ID 83638-5313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 16, 1996, and has submitted Proof of Beneficial Use on July 12, 1999. An examination confirms water is diverted from:

Source: WILHELM CREEK

Tributary: BOULDER CREEK

Beneficial Use

WILDLIFE STORAGE

Period of Use

1/01 to 12/31

Rate of DiversionAnnual Volume

15.0 AF

Location of Point(s) of Diversion

WILHELM CREEK SE¼ NE¼, Sec. 2, Twp 17N, Rge 03E, B.M. VALLEY County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	2				X													

Conditions of Approval

1. Right 65-13689 authorizes total annual storage volume of 15.0 acre-feet, 4.8 acre-feet to be used for the initial filling or carryover storage of the pond and 10.2 acre-feet for the replacement of losses caused by seepage and evaporation.
2. The pond established by the storage of water under this right shall not exceed a total capacity of 4.8 acre-feet or a total surface area of 1.6 acres.
3. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. The right holder shall continue to address public safety concerns by limiting access to the dam and spillway.

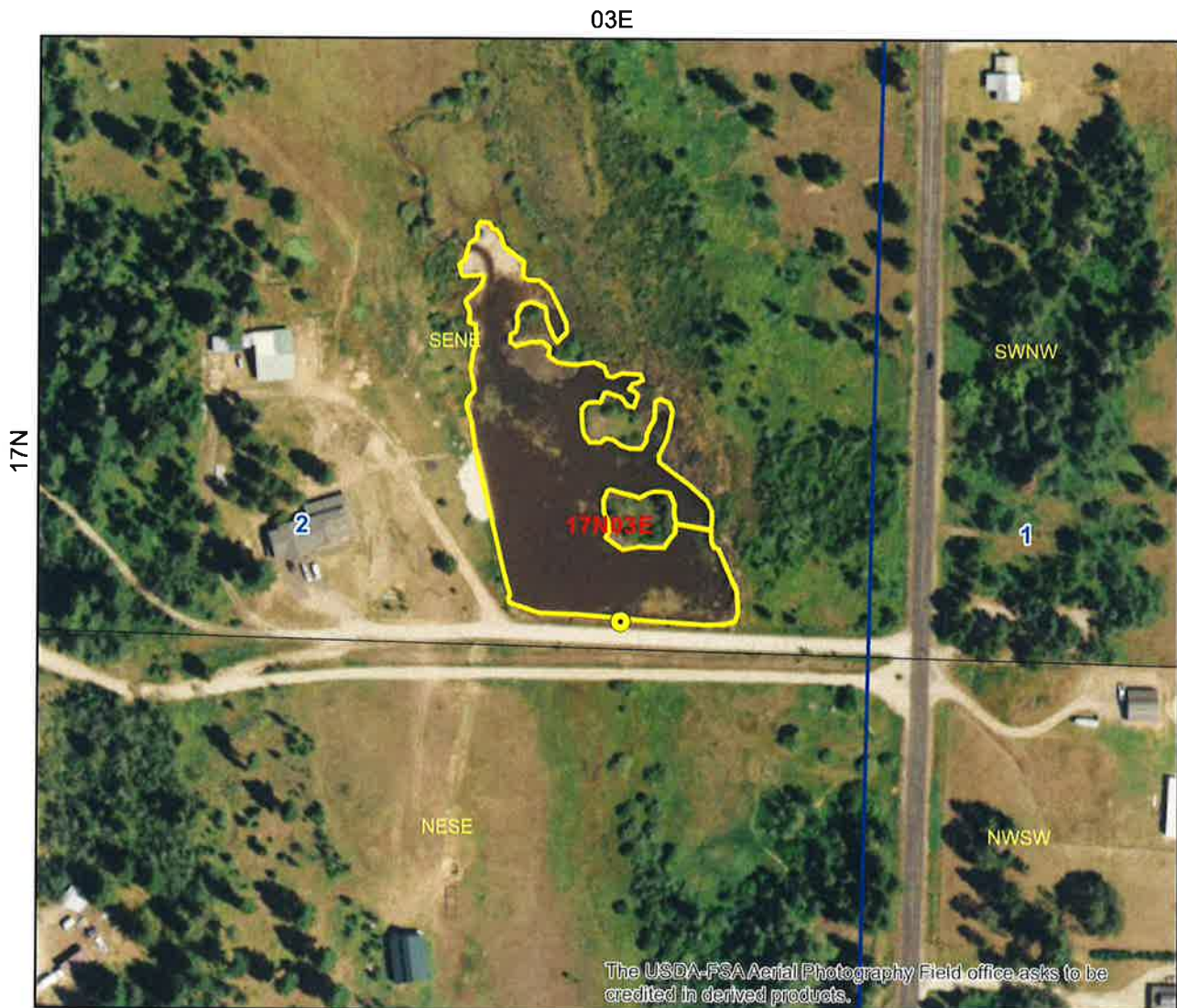
This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.






Signed this 9th day of July, 2020.


PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment To Water Right License
65-13689

This map depicts the WILDLIFE STORAGE 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.



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

0 0.025 0.05 0.1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 10, 2020

CRAMBLET FAMILY TRUST
13885 FARM TO MARKET RD
MCCALL ID 83638-5313

RE: License No. 65-13689

Issuance of License

Dear Water Right Holder:

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. Failure to report these changes could result in a \$100 late filing fee. 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,

Phill Hummer
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2020, I served a true and correct copy of Water Right License No. 65-13689 by U.S. Mail, postage prepaid, to the following:

CRAMBLET FAMILY TRUST (Current Owner)
13885 FARM TO MARKET RD
MCCALL ID 83638-5313

WATER DISTRICT #65D
JAMES SEIWERT (Watermaster)
12880 WILLOW RD
DONNELLY ID 83615-5058



Debbi Judd
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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.

MEMORANDUM

DATE: 7/9/20
TO: 65-13689
FROM: Phill Hummer, Water Rights Supervisor
RE: License Conditions Related to Dam Safety

The approved permit contained several conditions related to the construction of the dam for this project. This memo will address the decision to exclude from the license the following permit conditions:

7. An overflow structure must be constructed near or on the dam face which will automatically pass the inflow to the reservoir into Wilhelm Creek.
9. The spillway area shall be protected with rock riprap or other suitable methods of erosion protection.
10. Rock used for riprap shall be sound, dense, well graded, angular rock free of fines and of a sufficient size to withstand the expected velocities within the spillway area during ordinary high water to ensure erosion protection

A site visit conducted on June 4, 2009 confirmed construction of a drop inlet type spillway structure. This type of structure would have the capacity to pass the inflows of the drainage. At the time of the site visit the embankment was in good condition and there were no leaks or seeps. I consulted with Manuel Rauhut (Staff Engineer, IDWR) who indicated the conditions were not necessary or helpful for the dam safety program. The conditions related to the construction of the structure and do not provide limits, explanations, or further information regarding the administration of water under the right so they should be removed from the license.

MEMORANDUM

TO: Water Right File 65-13689

FROM: Daniel Nelson – Analyst 3

DATE: April 6, 2020

SUBJECT: Licensing Review of Water Right 65-13689

This field exams for these rights were performed by Western Region staff on September 26, 2001.

History:

This file has a long history that needs to be addressed to better understand the things that have happened.

In or around 1996, Dan Brown constructed a pond on Wilhelm Creek. No water right or stream alteration permit were acquired to construct this pond. A complaint was received from a neighbor, and the Department began communication with Mr. Brown to rectify the situation. In September of 1996, Mr. Brown filed an application for permit for this pond.

The application was subsequently protested. Protestants voiced concerns over the senior water rights on the creek and possible property damage caused by a rising water table due to the pond. A settlement conference was held in December of 1996. Both sides of the protest agreed to work with an independent party to resolve the issues of the protest. A study was completed in March of 1997 by Lands Use Technology LLC that confirmed the pond would not affect local water table issues. Other issues were discussed over the next several months, and Western Region staff visited the property in June of 1997 to inspect the dam and reservoir site. Negotiations with the protestants continued and a number of conditions were considered. A settlement between all of the parties appeared to have been reached, and the permit was issued on in August of 1997.

In May of 1999, the Department received a complaint from Robert Collins stating the permit holder had not complied with the requirements of his permit. In June of 1999, Department staff wrote a letter to the permit holder informing him that proof of beneficial use would be due in August of 1999, and that all of the conditions of his permit must be completed prior to submitting proof of beneficial use. Later on in June, Department staff performed a dam inspection on the property, providing a list of issues that must be resolved prior to submitting proof of beneficial use.

On July 12, 1999, the Department received a proof of beneficial form. The proof of beneficial use statement included a letter stating that a portion of the conditions hadn't been met, but the materials were purchased. At this time the file goes silent as to what transpired until a reinstatement order was issued on January 21, 2001. The file is unclear as to why the proof that was submitted on time was not accepted until later on.

On September 26, 2001 a field examination was conducted by Department staff, which found that several of the conditions of the permit were not been met. On March 18, 2009, the Department sent a Notice of Pending Order to Void Permit (Notice) to resolve the issues found in the field report. From March 18, 2009 to October 2, 2009, the permit holder met several times with Department staff to resolve many of the issues addressed in the March 18th Notice. The March 18th Notice did not address the measurement device requirements, because the field report suggested that permit holder was in the process of addressing this issue.

The field report contained a letter from permit holder dated May 11, 1998, stating that watermaster would not require a measurement device on the inflow to the reservoir, and that he intended to construct a measurement device on his property. The field report and later field visits to the property confirm that permit holder did install a Cipolletti weir on the outflow of the pond. The Department records do not show any confirmation from watermaster or the Department that the measurement device for the water flowing into the pond was constructed or the requirement to measure the water flowing to the pond had been waived.

On December 12, 2018, I contacted the current watermaster for Water District 65D to request his impute on the need for a measurement device on the water flowing into the pond. The watermaster recommended that the measurement device requirement for inflow of water into the pond and the headgate be maintained. When this permit was issued, several individuals protested the construction and use of this pond. The measurement condition was included on the permit to resolve those protests. Therefore, a second Notice of Intent to Void the permit was sent on January 10, 2019.

During the issuance of the Notice of Intent to Void letter, it was discovered that the original permit holder, Dan Brown, no longer owned the property. The property is now owned by Cramblet Family Trust. I worked with Aaron Cramblet to rectify the ownership and to install the measurement device to the inflow of the pond. Due to weather and work conditions, the installation of the measurement device was delayed for more than a year. On January 22, 2019, the Department received a change of ownership for permit, and a schematic of the proposed measurement devices. On March 27, 2020, the Cramblet Family Trust supplied photos showing that the measurement devices had been installed.

Review of the Field Report:

The field report found wildlife storage for a pond in the SENE of Section 2 Township 17 North, Range 3 East. A review of current aerial imagery confirms that recommendation is correct. The field examiner found a pond with a surface area of approximately (300 ft X 420 ft) – 8500 sq ft island or 117,500 sq ft or 2.6 acres. Using the current aerial imagery, I determined the pond surface area was actually 1.6 acres. The field examiner determined the pond depth to be an average of 3 feet, which seems reasonable. Using the field examiner's calculations, the pond volume would be 8 af, and according to my calculations, the pond volume is 4.8 af.

The permit authorized up to 15 af of storage. The field examiner didn't provide any storage losses for seepage or evaporation. Typically we don't include seepage on an on stream pond, but the pictures provided by the permit holder does suggest the pond is not lined, and the area of the pond is significantly greater than the streambed. I calculated an evaporation loss of 2.3 af, and possible seepage loss of 11.7 af. Some of the seepage losses in the stream channel would be negated by normally occurring seepage from the stream. Therefore, I feel the 15 af authorized by the permit should be adequate to supply the 4.8 af of initial storage, 2.3 af of evaporation losses, and an additional 7.9 af of seepage losses for those areas not included in the original channel. Therefore, I am recommending a wildlife storage volume of 15 af.

Conditions:

Due to the age of this permit, most of the conditions are out of date, and should be either deleted or replaced with current standard conditions. Conditions 18C, 219, 220, and R05 should be added to replace the older standard conditions.

The following conditions were added to resolve the protests against this application. The following conditions should be carried forward to licensing:

An overflow structure must be constructed near or on the dam face which will automatically pass the inflow to the reservoir into Wilhelm Creek.

The spillway area shall be protected with rock riprap or other suitable methods of erosion protection. Rock used for riprap shall be sound, dense, well graded, angular rock free of fines and of a sufficient size to withstand the expected velocities within the spillway area during ordinary high water to ensure erosion protection.

The right holder shall continue to address public safety concerns by limiting access to the dam and spillway.

Current map of place of pond. Place of use and Point of Diversion for permit 65-13689.



Pictures of the new measurement devices installed on the pond as required by the Notice of Intent to Void and water right permit.



Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	65-13689
REVIEWER	Dan Nelson
DATE	11/30/2018

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1.6	AC.
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Pond Surface Area (SQ. FT.)	69696	SQ. FT.
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I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	ML	
Suggested Seepage Rate (FT./DAY)	0.0200	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	10427	GPD
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Total Seepage Loss (AFA)	11.7	AFA
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Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day**

OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day**

SC (clayey sands, sand clay mixtures) = **0.007 ft per day**

CL (Low to medium plasticity clays) = **0.003 ft per day**

MH, OH, PT and CH (high plasticity clays) = **0.0003 ft per day**

LINED PONDS (liners can be chemical, fabric, or bentonite) = **0 ft per day**

Ponds Intercepting Groundwater (excavated ponds filled by ground water) = **0 ft per day**

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	63-12601
REVIEWER	Dan Nelson
DATE	5/9/2018

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at <X:/Spatial/Climate/ETIdahostations.shp>.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	-1.93	31	0.00
Feb	-1.46	28	0.00
March	-0.70	31	0.00
April	0.73	30	21.90
May	1.38	31	42.78
June	2.42	30	72.60
July	4.12	31	127.72
August	3.49	31	108.19
September	1.93	30	57.90
October	0.46	31	14.26
November	-1.99	30	0.00
December	-2.50	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 445.35

$$[(445.35 \text{ mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

$$(445.35 \div 304.8) \times 1.60 = 2.3 \text{ AFA}$$

Total Storage Calculations

FILE NUMBER	65-13689
REVIEWER	Dan Nelson
DATE	11/30/2018

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.6	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	4.8	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	11.7	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.3	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	18.8	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Nelson, Dan

From: Nelson, Dan
Sent: Friday, March 27, 2020 2:12 PM
To: 'timelessconstruction.rose@yahoo.com'; AARON CRAMBLET
Subject: RE: PERMIT 65-13689 CRAMBLET FAMILY TRUST

Dear Ms. Cramblet,

Thank you so much for the photos that you have sent. I have reviewed the photos and I feel this system is satisfactory for this purposes intended. As much as possible, I will work to move this permit forward to licensing.

I must preface this statement with the current conditions facing our great state. As you know, Governor Little issued a Stay At Home Order on March 25th. As a result of this order, the Department of Water Resources has closed their doors, and all but a few essential staff are currently working from home. This has slowed work considerably. I am one of the staff working from home, but I will do my best to move forward with the licensing of this permit. I am telling you this to let you know that it will take longer than expected to complete the licensing of the permit.

If you have any questions or concerns, please don't hesitate to contact me. As stated above, working from home has increased the response time, but I will answer any questions you may have as soon as possible.

Respectfully,

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

From: timelessconstruction.rose@yahoo.com [mailto:timelessconstruction.rose@yahoo.com]
Sent: Friday, March 27, 2020 1:28 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; AARON CRAMBLET <timelessconstruction@yahoo.com>
Subject: Re: PERMIT 65-13689 CRAMBLET FAMILY TRUST

Hello Mr. Nelson,

Please find attached notated photos of installed weirs. Please let me know if you have any questions or if there is any final paperwork or watermaster inspections we need to order.

Thank you,

Rose Cramblet

Timeless Construction, Inc

208.315.5143

On Wednesday, August 21, 2019, 11:03:24 AM MDT, timelessconstruction.rose@yahoo.com <timelessconstruction.rose@yahoo.com> wrote:

Thank you for your time in responding to our request. All the points listed are reasonable and we look forward to being able to accomplish the work needed in the given timeframe.

We appreciate your communication on this. Please let us know if there is anything we need to send in to confirm this extension or if this email chain is enough.

Thank you again,

Rose and Aaron Cramblet
208.315.5143

On Wednesday, August 21, 2019, 9:24:14 AM MDT, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Dear Aaron and Rose,

I have spoken to our administrative staff, and they have determined that 365 days is an unreasonable amount of time to install a measurement device and provide the required proof of installation. However, they have determined that since you are not currently storing water in the pond that they could allow an extension until April 1, 2020. This is the last extension that we will be able to allow for this issue. If we do not receive proof that a measurement device is installed by that time, we will move forward with voiding the permit without further contact.

If the permit is voided, you would be required to go back through the process to apply for another water right permit for the pond, OR you will be required to fill in the pond and return the stream back to in natural course. If the permit is voided and you do nothing to resolve this issue, you could be subject to a "Notice of Violation" and the subsequent penalties described in Idaho Code § 42-1701B.

I also wanted to give you the reason behind the April 1, 2020 deadline. A majority of the water users in your water district begin using water around April 1, of each year. Therefore, it was determined that in order to minimize the amount of injury to other water users, it would be in the best interest of the water district to ensure that your diversion was operating legally prior to that time frame.

I do want to thank you for contacting us prior to the September 30, 2019, deadline to request additional time. The early request was taken into consideration for allowing additional time. We appreciate your diligence in staying on top of this issue, but we can only allow so much time to come into compliance with the permit after the permit has been issued. If you have any further questions, please don't hesitate to contact me, and I will do my best to assist you in any way that I can.

March 27,2020 email attachment for Permit 65-13689



Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, August 21, 2019 9:24 AM
To: 'timelessconstruction.rose@yahoo.com'
Subject: RE: PERMIT 65-13689 CRAMBLET FAMILY TRUST

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Respectfully,

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

From: Nelson, Dan
Sent: Tuesday, August 20, 2019 8:51 AM
To: 'timelessconstruction.rose@yahoo.com' <timelessconstruction.rose@yahoo.com>
Subject: RE: PERMIT 65-13689 CRAMBLET FAMILY TRUST

Dear Aaron and Rose,

I received your email and your request for additional time. Due to the length of your request and the amount of time you have already been given, I will need to get this time approved by my supervisor. I will get back to you on this issue as soon as possible, but due to work schedules I may not be able to attain an answer for you until the end of the week.

Dan Nelson

From: timelessconstruction.rose@yahoo.com [<mailto:timelessconstruction.rose@yahoo.com>]

Sent: Monday, August 19, 2019 3:57 PM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Subject: Re: PERMIT 65-13689 CRAMBLET FAMILY TRUST

Hello Mr. Nelson,

I am writing to you in order to obtain an extension on the deadline for installing inflow and outflow weirs on our pond corresponding with Permit #65-13689 Cramblet Family Trust. We have intentionally left the containment devices down in order to drain the pond this year, expecting it to be dry enough to dig and manipulate by this time of the year and have the project completed by September 30th. We did not realize there are multiple springs feeding the pond as well as Wilhelm Creek, keeping it much fuller than expected. Our proposed strategy is to dig it while in a partial frozen stage in late fall/early winter. Please let me know if you are willing to extend the due date by 365 days, and if any paperwork or fees need to be submitted in order to procure this additional time. We are looking forward to getting this project done correctly and efficiently.

Thank you for your time,

Aaron and Rose Cramblet

208.315.5143

On Tuesday, January 22, 2019, 8:55:40 AM MST, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Good Morning Aaron and Rose,

I have mailed the attached letter to you this morning. This letter authorizes additional time to install the measurements devices and provide proof of their installation to the Department. You will need to provide proof the measurement devices are installed and operational by September 30, 2019. Proof of their installation would be photos or confirmation from the watermaster that they have been installed and are in working order. A hard copy of the letter has been sent this morning, this email is a courtesy to you to give you as much time as is needed to ensure this work is completed.

Respectfully,

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: timelessconstruction.rose@yahoo.com [<mailto:timelessconstruction.rose@yahoo.com>]

Sent: Monday, January 21, 2019 8:24 AM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; AARON CRAMBLET <timelessconstruction@yahoo.com>

Subject: PERMIT 65-13689 CRAMBLET FAMILY TRUST

Good Morning,

Please find attached copy of the document we will be filing. Please advise which office you work from- Front Street or Airport Way? I can deliver it to you tomorrow. (Or today if your office is open?)

Thank you for your time,

Aaron and Rose Cramblet

Timeless Construction, Inc

208.315.5143



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

January 22, 2019

CRAMBLET FAMILY TRUST
C/O AARON CRAMBLET
13885 FARM TO MARKET RD
MC CALL ID 83638

RE: Water Right Permit 65-13689

Dear Mr. Cramblet:

Our office received your request to hold licensing of permit 65-13689 to allow you time to install the measurement devices to the inflow and outflow of the pond associated with permit 65-13689. That time has been granted. We will hold further processing of this permit until September 30, 2019. If we do not receive confirmation from you that you have installed these measurement devices by that time, I will proceed further with voiding this permit.

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
Email: dan.nelson@idwr.idaho.gov
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Nelson, Dan

From: timelessconstruction.rose@yahoo.com
Sent: Monday, January 21, 2019 8:24 AM
To: Nelson, Dan; AARON CRAMBLET
Subject: PERMIT 65-13689 CRAMBLET FAMILY TRUST
Attachments: Permit 65-13689 Cramlbet Family trust IDWR.pdf

Good Morning,

Please find attached copy of the document we will be filing. Please advise which office you work from- Front Street or Airport Way? I can deliver it to you tomorrow. (Or today if your office is open?)

Thank you for your time,

Aaron and Rose Cramblet

Timeless Construction, Inc

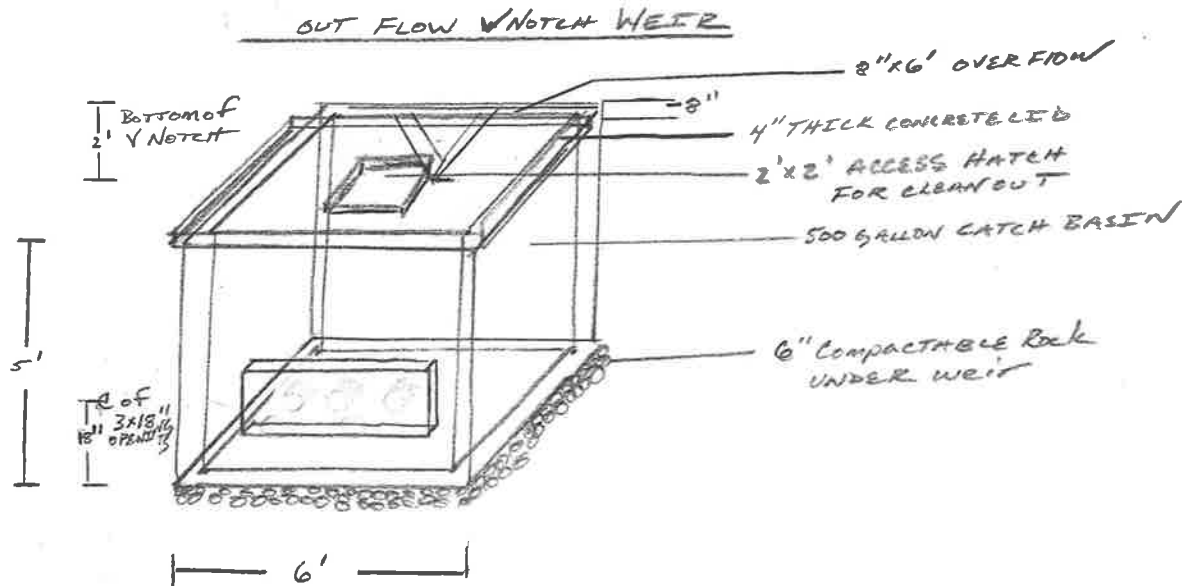
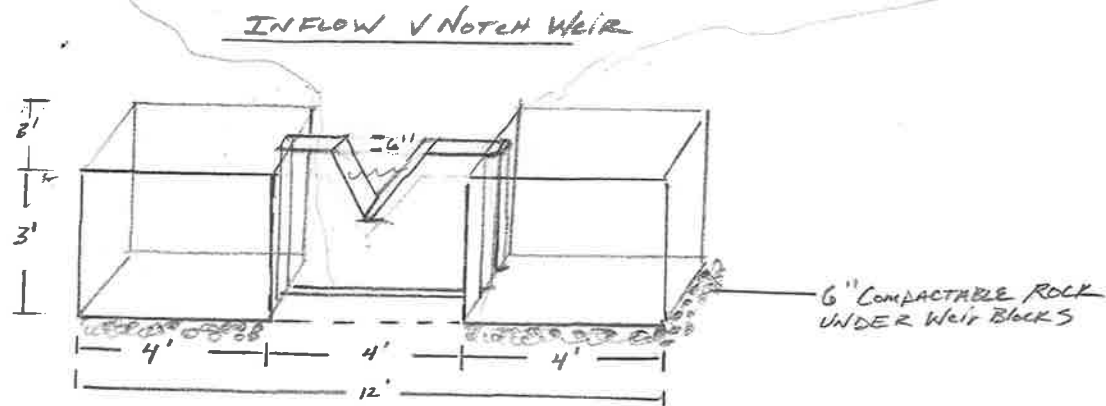
208.315.5143

CRAMBLET FAMILY TRUST 1/18/19

PERMIT # 65-13689

INFLOW V NOTCH WEIR

OUT FLOW WEIR



PERMIT # 65-13689

7/15/19 DRAIN POND & CONTINUE CREEK FLOW
7/15 - 8/15 CHECK SOIL DRYOUT / ^{INSTALL} BMP'S
8/1 - 9/15 FORM & POUR PRECAST WEIRS
8/16 - 9/15 Compactable Soil Prep
9/15 - 9/16 INSTALL INFLOW WEIR
9/16 - 9/17 INSTALL OUTFLOW WEIR
9/16 - 9/17 Clean & Remove BMP'S
9/17 CONTACT WATER MASTER ^{DISTRICT} 65

NOTE

AS SOON AS POND THAWS HIGH
WATER HAS HIT FOR 2 MONTHS
JULY IS THE BEST MONTH
TO START THIS PROCESS

NENE 1

NWNW 4

Place of use and Point of Diversion for permit 65-13689. Current tax records show the property is owned by Cramblet Family Trust.

SENE

Farm to Market Road

SWNW

Tax Parcel in Green Border owned by Cramblet Family Trust.

2

17N03E

1

Place of Use

Point of Diversion

NESE

NWSW

MEMORANDUM

TO: Water Right Permit File 65-13689

FROM: Daniel A. Nelson

DATE: January 10, 2019

SUBJECT: Telephone Conversation with Aaron Cramblet.

I spoke with Aaron Cramblet today about water right 65-13689. Mr. Cramblet stated he is representative of the Cramblet Family Trust (Trust) and will be working with me to get this permit within compliance and licensed. Mr. Cramblet confirmed the Trust is now the owner of the property, and that it was purchased in a sheriff's sale. He has no access to the previous owner.

I informed Mr. Cramblet that they will need to perform some tasks to have this right licensed and make the pond on the property legal. Mr. Cramblet asked if he could have some time to complete these tasks, since he will need to wait to do some of the construction until the snow is gone from the property.

I asked Mr. Cramblet if there was still a measurement device on the outflow structure, and he confirmed that there was no measurement device on the inflow and the measurement device on the outflow has been removed. I informed Mr. Cramblet that he will need to install those measurement devices and he said that shouldn't be a problem. However, he couldn't do an installation until the snow and high water was gone.

I informed Mr. Cramblet that we could hold the water right to give him time to install the necessary measurement devices until he could safely install the devices on the inflow. I told him that he would need to send me a letter requesting that he be given time and give me a specific date that he could supply confirmation that the measurement devices have been installed. I also told him that he would need to send the Change of Ownership form with that letter. I told him that he will need to send me this letter and Change of Ownership form by the January 18, 2019 date on the Notice of Intent to Void. I did let him know that I would hold the file a week or two after the January 18, 2019 date in case the letter get stuck in the mail.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 17, 2018

DAN V BROWN
PO BOX 253
MC CALL ID 83638-0253

Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 65-13689

Dear Permit Holder:

The Department of Water Resources (Department) is reviewing the above referenced permit so we can issue a license for the uses developed. In order for a permit to be licensed, the permit holder must show that all of the conditions of the permit have been met.

On July 12, 1999, the Department received a late proof of beneficial form and subsequently reinstated this permit on January 21, 2000.

On September 26, 2001 a field examination was conducted by Department staff, which found that several of the conditions of the permit were not been met.

On March 18, 2009, the Department sent a Notice of Pending Order to Void Permit (Notice) to resolve the issues found in the field report. From March 18, 2009 to October 2, 2009, you met several times with Department staff to resolve many of the issues addressed in the March 18th Notice. The March 18th Notice did not address the measurement device requirements, because the Department thought that you had addressed this issue.

The field report contained a letter from you dated May 11, 1998, stating that watermaster would not require a measurement device on the inflow to the reservoir, and that you intended to construct a measurement device on your property. The field report and later field visits to the property confirm that you have installed a Cipolletti weir on the outflow of the pond. The Department records do not show any confirmation from watermaster or the Department that measurement device for the water flowing into the pond was constructed or the requirement to measure the water flowing to the pond had been waived. The condition requiring this measurement states the following:

Measuring devices shall be installed to measure the flows of Wilhelm Creek just upstream of the reservoir and immediately below the dam. Prior to construction of the measuring devices, detailed construction drawings must be submitted to IDWR showing the location of the measuring devices, including dimensions and configuration in the stream channel.

On December 12, 2018, I contacted the current watermaster for Water District 65D to request his impute on the need for a measurement device on the water flowing into the pond. The watermaster recommended that the measurement device requirement for inflow of water into the pond and the headgate be maintained. When this permit was issued, several individuals protested the construction and use of this pond. The condition above was included on the permit to resolve those protests. Therefore, we are requesting confirmation that a measurement device has been constructed to measure the water flowing into the pond, and confirmation that the measurement device on the outflow has been maintained.

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. Unless we can confirm that a measurement device has been installed on the water flowing into the pond, and the measurement device on the outflow structure has been maintained, we cannot move forward with the licensing of this permit. Due to the fact that this condition was placed on the water right to resolve protests to the water right and is still recommended by the current watermaster, the Department can not waive this measurement requirement.

If I do not receive proof in the form of pictures or a statement from the watermaster confirming that a properly installed water measurement device is in place and operable within thirty (30) days, I will take action to void permit 65-13689 under the provision of Section 42-219(8) of the Idaho Code. If you decide that you are no longer interested in pursuing this permit, you can shorten the voiding process by completing the enclosed relinquishment form for each permit affected and returning it to Department.

I do need to caution you that if you do not supply the information or relinquish the permit you will no longer be authorized to store water in this pond, and will need to let the water flow naturally through the original Wilhem Creek channel. If you continue to store water in the pond after the permit has been voided or relinquished, you could be subject to a possible Notice of Violation as described in Idaho Code § 42-1701B.

I have sent a copy of this Notice to Cramblet Family Trust (Trust) who may be the new owner of the property where the pond is located. If you do not respond, the Trust can contact me by January 18, 2019, to take the necessary steps to work through these issues in order to maintain the pond on their property.

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

Sincerely,



Daniel A. Nelson
Staff Hydrologist
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
Computer Generated Copy of Permit 65-13689 and aerial Map of Place of Use

CC CRAMBLET FAMILY TRUST
13885 FARM TO MARKET RD
MC CALL ID 83638

MEMORANDUM

TO: Water Right Permit File 65-13689

FROM: Daniel A. Nelson

DATE: December 12, 2018

SUBJECT: Telephone Conversation with the Watermaster for Water District 65D

On December 12, 2018, I spoke with the watermaster for Water District 65D, Larry Burke, concerning water right permit 65-13689. During this conversation, Mr. Burke informed me that this will be his last year as watermaster, because he recently purchased a farm at a different location, and was unable to farm and maintain the watermaster duties.

During this conversation, I spoke with Mr. Burke concerning the pond associated with permit 65-13689. Mr. Burke stated he was aware of the pond. Mr. Burke also stated that he has seen an increase of these ponds in the water district over the last few years, and it is almost impossible to regulate these ponds. Often time, individuals with these ponds are taking water out of the pond for irrigation whether or not they have an irrigation right. Mr. Burke also told me that the individuals with these types of ponds also hold back water when out of priority, to fill there ponds when they are not authorized to fill the ponds.

Mr. Burke stated that he recommends that the measurement device before the pond and after the pond remain a requirement of the water right, and the measurement device requirement before the pond should not be waived.