



United States
Department of
Agriculture

Forest
Service

Ashton/Island Park Ranger District

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P.O. Box 858
Ashton, ID 83420
208-652-7442
Fax: 208-652-7863

File Code: 2700
Date: May 7, 2018

Justin Peterson
c/o Bunts and Singles
225 South 200 East, Suite 200
Salt Lake City, UT 84111

RECEIVED
MAY 07 2018

Department of Water Resources
Eastern Region

Dear Mr. Peterson,

This letter is in regard to Application for Permit 21-13254, recently filed with the Idaho Department of Water Resources (IDWR) on behalf of Bunts & Singles, LLC, and companion Amended Transfer Application 81352 for 21-04071A.

Application 21-13254 seeks to divert 4.0 cfs from a spring on National Forest System (NFS) land. The water would be conveyed through natural water channels and existing irrigation infrastructure to a pond to be excavated on your private land on top of an existing road easement held by the USDA Forest Service that provides critical access to NFS land.

Based on the information available to us at this time we have concerns with these applications that are listed below.

1. Authorization to occupy and use NFS land. Application for Permit 21-13254 is a new appropriation of water – it is a new use of water and a new use of NFS land. All occupancy and use of NFS land to construct and operate water diversion and transport facilities, as well as any buildings or other structures such as pipelines, must be authorized by a Forest Service special use permit pursuant to applicable laws and regulations such as the Organic Act (19 U.S.C. 551), Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and 36 Code of Federal Regulations at 251 Subpart B – Land Uses.
2. Forest Service Road Access and Easement. Both Applications describe building a new pond on your private land. The new pond is proposed to be built on top of the access road to the National Forest. The United States has an easement for this road. Access to NFS land needs to be preserved. The road and associated easement would need to be relocated under your current proposal. Therefore, construction of a new pond cannot occur until several issues are resolved. This would include but not be limited to:
 - Identifying a new route around the pond.
 - Agreement regarding the new route including alignment, grade, surface, drainage, attendant culverts if needed, and any other related infrastructure associated with the road.
 - Executing a new easement to the Forest Service for new portion of the road.

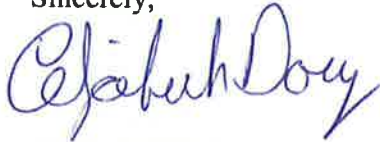


3. Removal of the dam. The proposed removal of the impoundment at the upper pond has also not been authorized. Any surface disturbing or earth moving activity on NFS land must be approved in writing by the USDA Forest Service prior to equipment entering the Forest.

By a copy of this letter we are advising the IDWR regarding our concerns and the requirements necessary for the use and occupancy of NFS land.

If you have any questions about this matter please contact me at 208-652-1203 or edavy@fs.fed.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Davy", written in a cursive style.

ELIZABETH DAVY
District Ranger