



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

8/17/2017

Joan Tope

RE: Barnhart Activity

Dear Ms Tope,

Thank you for your interest in responsible resource protection and informing us of your concerns. I would also thank you for your patience with us as IDWR worked our way through a busy year of field work and personnel changes.

Mssrs Joe Carlson, Shaun Maxey and Chad Goodwin brought me up to speed last week on your complaint, their investigation and their conclusions based on observations. I understand that Mr. Carlson provided you with a copy of the trip report this past Tuesday.

I have reviewed the trip report, and researched existing water rights (licenses, claims, permits and applications) for the area. The pond that was found does not appear to have had any active storage anytime recently or perhaps in years. It appears that the any seasonal water accumulations seep into the ground fairly rapidly. Without active diversion into the pond from a stream and/or active storage a conclusion of an illegal diversion violation is not supported at this time. However, I recognize that there is a pending hearing on a protest of an application for permit (95-17241) for storage, and various uses, diverted from a nearby spring. I am not sure whether this pond is part of the application proposal since the pond that was found is in a different general location than proposed in the application.

IDWR did refer the stream channel issues that were raised to the Idaho Dept of Lands. A professional from Lands did investigate, recommended corrections and rehabilitation, and conducted a follow up inspection of the successfully completed work. Hopefully an education was imparted and future work is completed more responsibly.

Other issues presented to us in the complaint, such as oil dumping, while not under IDWR jurisdiction (nor are we experts in the matter), were included in our items to observe during the investigation. I believe Mr Carlson's report included statements on the subject. He may not have been in a location of significant spillage, so his conclusions regarding incidental dripping from machinery causing some sheening on puddles is at best a layman's opinion.

Again, thank you for your input and hope you have a pleasant rest of the summer.

Respectfully,

Douglas Jones
Northern Region Manager

To: Complaint (Unauthorized Water Diversion)

From: Shaun M. Maxey

Date: April 21, 2017

SUBJECT: Memorandum for Record

Response to Complaint (Unauthorized water Diversion /Pond) by Phil Barnhardt

I spoke to Mrs. Tope at my office in the Northern Region IDWR office at approximately 2:30 P.M. today concerning IDWR's visit to the Barnhardt property to investigate her complaint about an alleged water diversion.

I explained that we (Shaun Maxey & Joe Carlson IDWR) had met with Mr. Shropshire immediately prior to going to the Barnhardt property on April 20, 2017 where we had met Steve Barhardt. Mr. Phil Branhardt met us on the property at the conclusion of our visit but did not accompany Joe Carlson or myself.

I stated to Mrs. Tope several times that the results of our visit to the Barnhardt property were preliminary and that our report had not been prepared. I explained to her that I had seen an empty pond and had not seen evidence that an illegal diversion of water was occurring.

I told Mrs. Tope she would get a response form IDWR and information she got today was preliminary.


Shaun M. Maxey
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815

March 28, 2017

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Morgan Chase,
Northern Regional Manager
Idaho Department of Water Resources
7600 Mineral Drive
Coeur d'Alene, Idaho 83815

Re: Complaint

Dear Morgan:

I would like to file a complaint on an illegal pond put in on Phillip Barnhart's property off Careywood Creek. I have attached the letter I received on this matter. I believe it to be true. I know for a fact that the tracks from the skidder in the creek is true as my husband saw the tracks himself.

I have attached the document stating how he has dug this illegal pond. I'm just speculating, but I believe he may have put this in to divert the water to his water right off Sunset Road in Basin 96. According to Charles, the water goes into the pond and the water that exits the pond goes to the north. Charles has said you can contact him and he will be willing to go with you to show you where the pond is.

Charles Shropshire
208-770-5930

Attached is the documentation Charles has given me. Please advise me what the IDWR is going to do in this matter.

Sincerely,

Joan Tope

Enclosure

February 18, 2017

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Two summers ago I helped Phillip Barnhart up on his property to get logs out of the woods. While up there, he told me about and showed me a pond that he had put in. He told me he put it in after he was required to remove the old pond he had because he had got caught. So, he put in a new pond over across the road and put the pipe to it underground so it couldn't be seen.

He also had me hook up chokers in the wetlands and creek bottom to skid trees while dragging them up and down the creek by the barns and up the creek from there. Some of the work was done in the spring and we got stuck pretty good, but finally got out.

I also did some skidder work, replaced radiator and rebuilt a hydraulic pump. He dumped all his old oil and hydraulic fluid on the ground in front of the mill. The road is a creek in the spring and fall and this water runs under that road from his well.

Charles Shropshire

A handwritten signature in cursive script, appearing to read "Charles Shropshire".

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