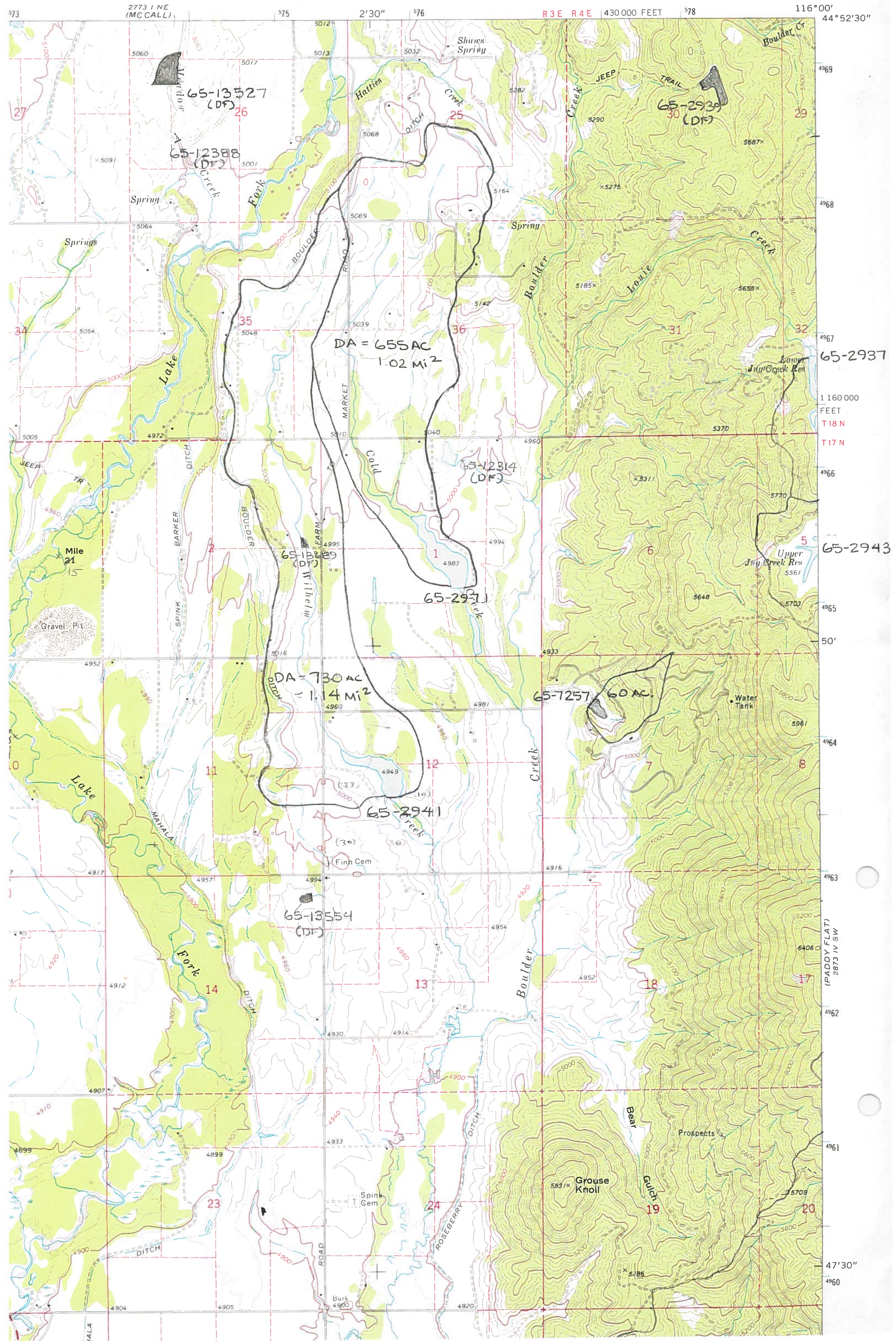
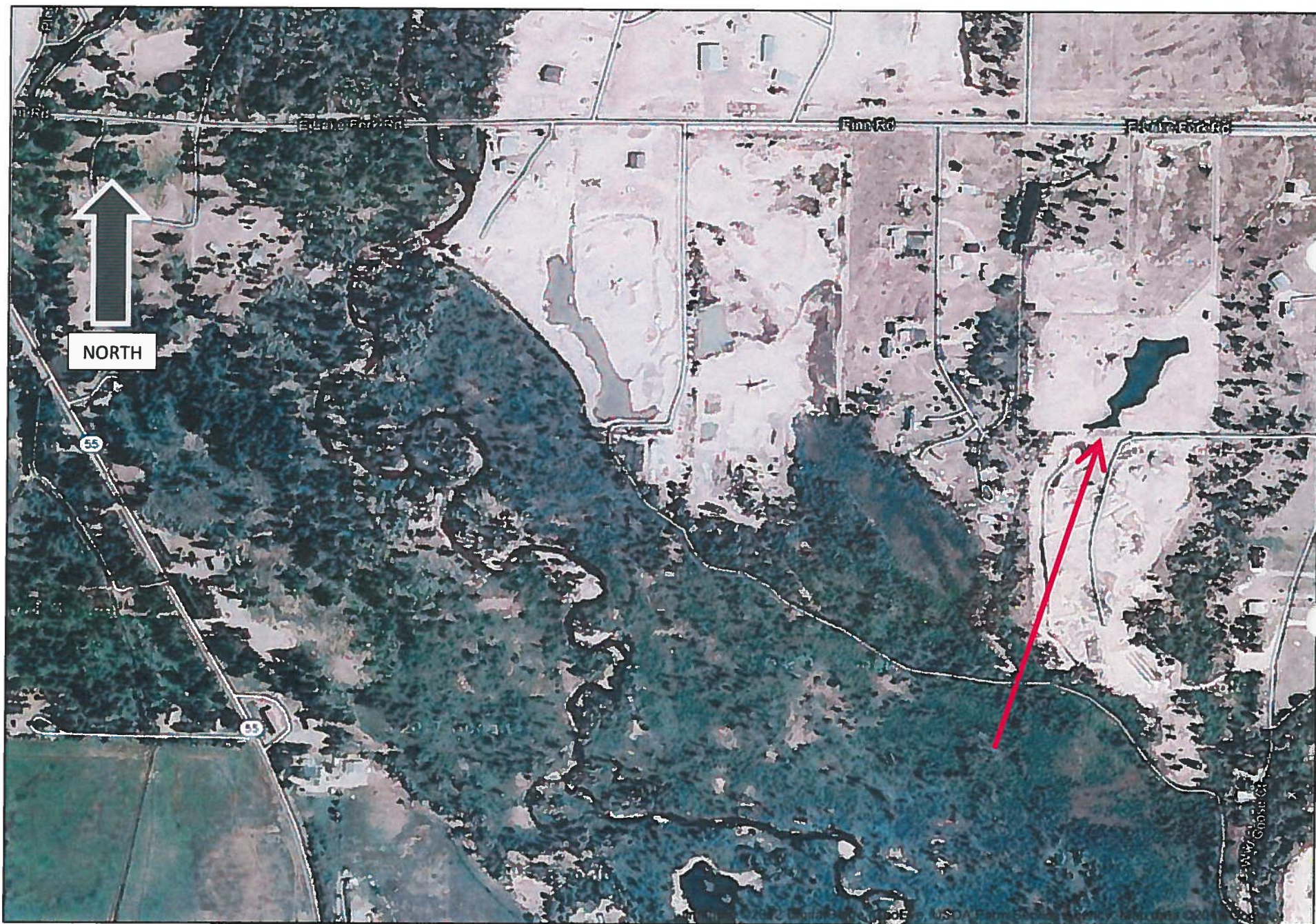
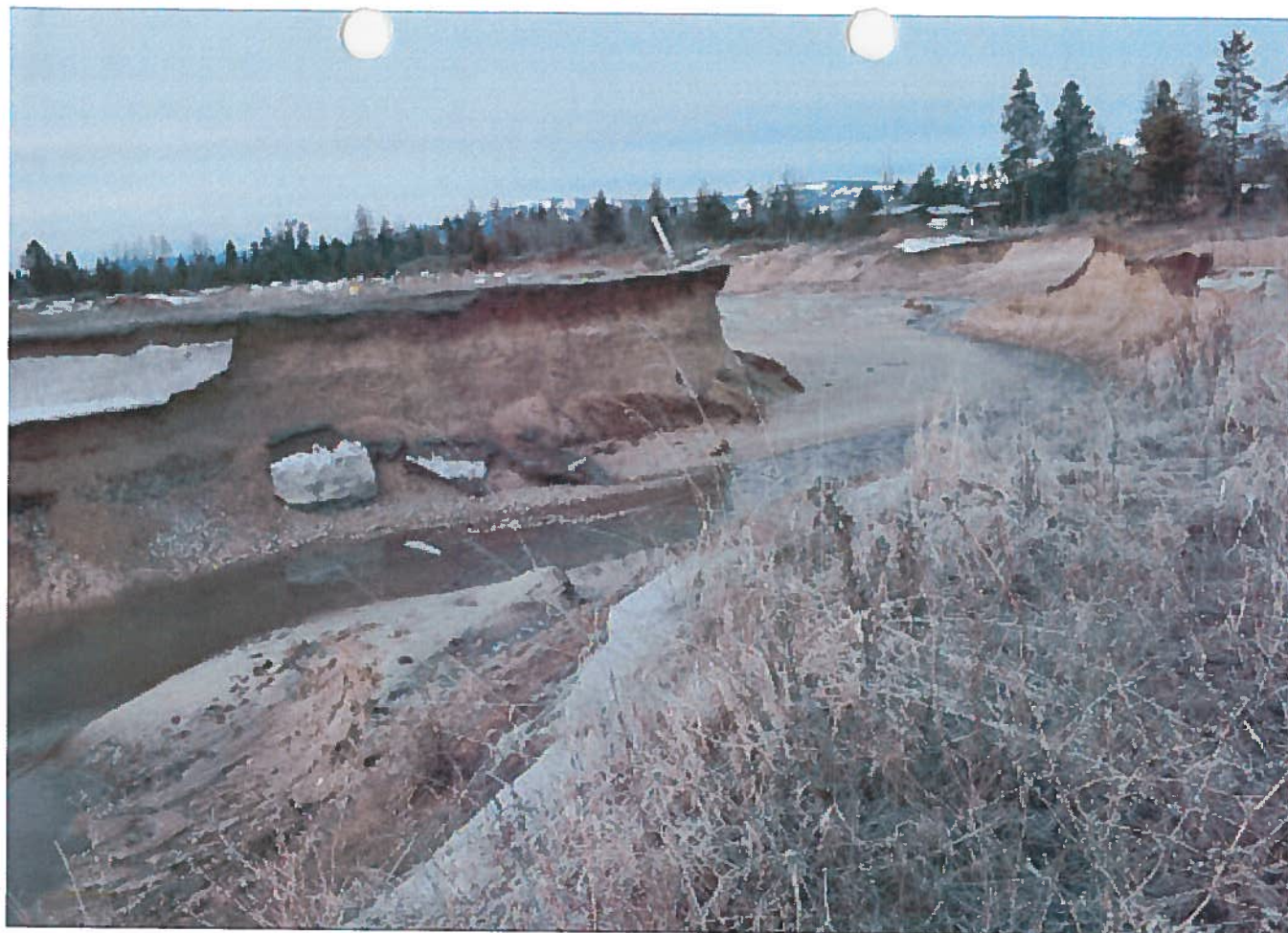




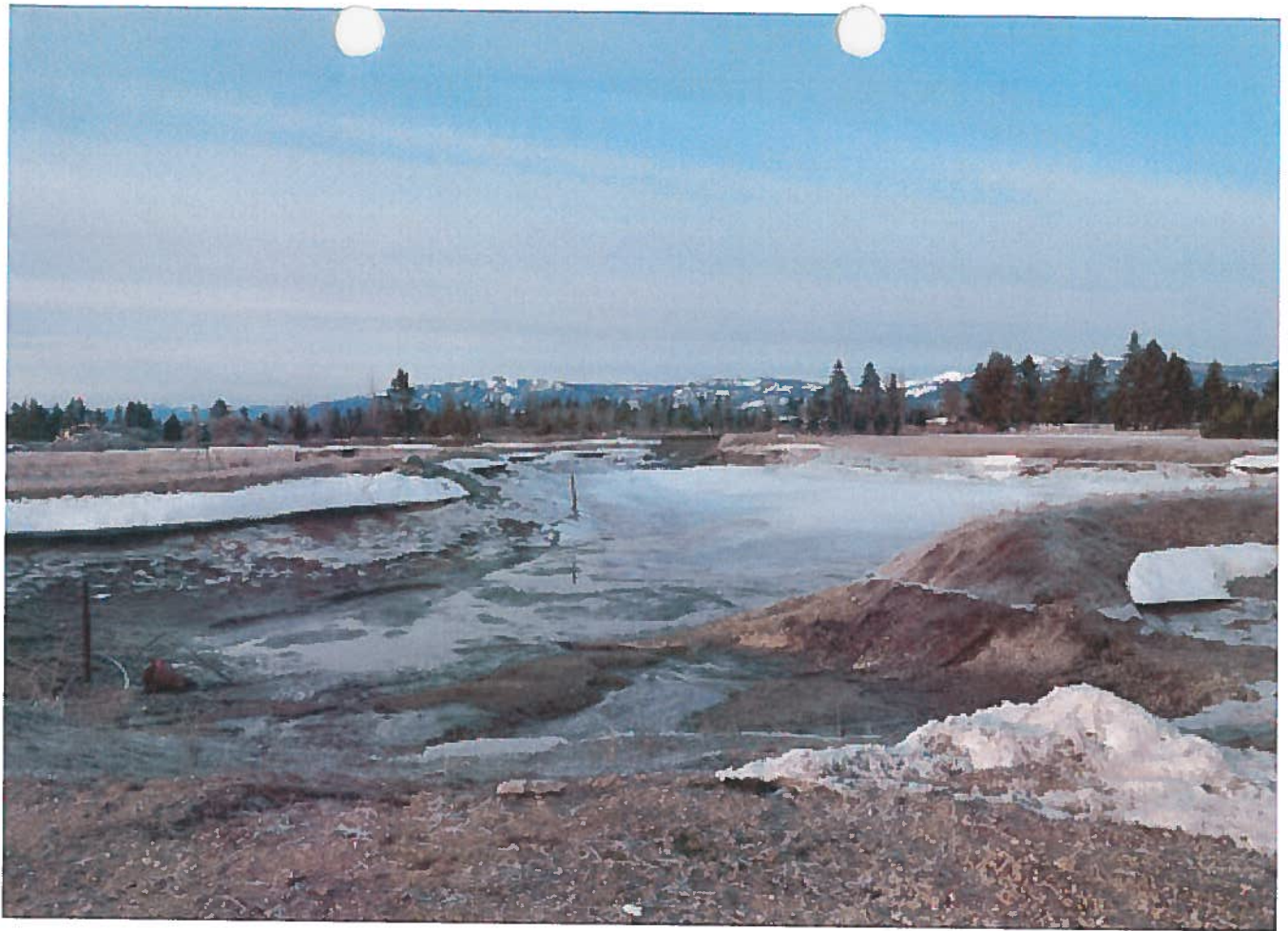




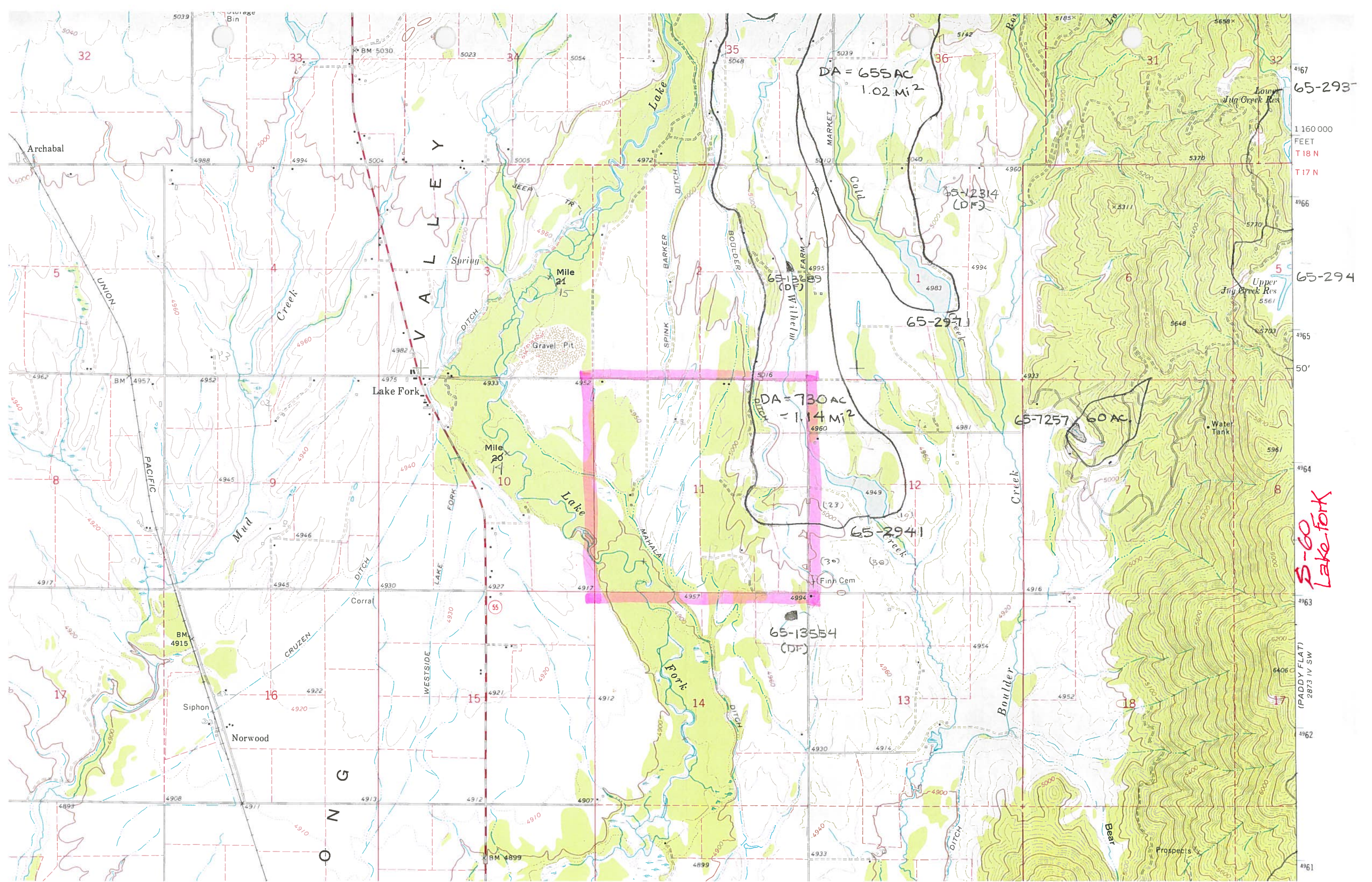












Falk, John

From: Falk, John
Sent: Friday, April 17, 2015 11:44 AM
To: 'Diane Green'
Subject: RE: Quarry Pond
Attachments: DOC.pdf; DOC000.pdf

Diane, attached are copies of the Amended Application and the Amended Permit.

I haven't been able to consult with WR's here the items we discussed; but in the meantime, knowing whether or not SPF performed a survey to arrive at their values is important (I think). Seems curious they could arrive at that "no dam" decision without some sort of evidence to support their claim?

As far as Public Records Request Form, please send an email to IDWR attention Gary Spackman, Director asking for the public documents you wish to review. Thanks --jf

From: Diane Green [mailto:DGGreen@idl.idaho.gov]
Sent: Friday, April 17, 2015 10:33 AM
To: Falk, John
Subject: RE: Quarry Pond

Good morning John,

I just wanted to pass along what I received from IDWR about water right application 65-23543 and the associated dam height used in the application for the water right (a dam height was not listed on the application). SPF Water Engineering and IDWR agreed the area in question is an excavated pond, 8' deep and there was no dam involved with the development (see attached email from Kay Walker, IDWR).

diane

From: Falk, John [mailto:John.Falk@idwr.idaho.gov]
Sent: Saturday, April 11, 2015 5:10 PM
To: Kelsie Baldwin
Cc: Diane Green
Subject: RE: Quarry Pond

Hi Kelsie,

After reviewing your permit, I understand you are allowed one (1) pond w/maximum storage capacity equal to 12 acre-feet.

The permit also states that your pond will be excavated; from that, I understand to mean that the pond level at all locations will be completely below the ground surface.

- 1) If the pond is *totally* excavated below the ground surface, then you do not need anything from the dam safety side of things....nothing.
- 2) However, if the pool is formed by an artificial barrier of any kind/variety (i.e. dam) anywhere around the perimeter of the pond, then a couple of things need to be confirmed and resolved:
 - a. Is the dam height equal to or greater than ten (10) feet? [Height is the vertical distance from the water surface (at full pool) to the downstream toe of the dam]

Falk, John

From: Walker, Kay [Kay.Walker@idwr.idaho.gov]
Sent: Thursday, October 30, 2014 12:02 PM
To: Diane Green
Cc: Walker, Kay
Subject: Application 65-23543

Diane:

Pursuant to our phone conversation this morning regarding the above application for permit I offer the following:
Between SPF Water Engineering and IDWR review, it was determined that there is no dam involved with this development. The system is an excavated pond that is approximately 8 feet deep.

Let me know if you need more information. I can send you a copy of their most recent amended application if you want.

Thanks,

Kay Walker

Sr. Water Resource Agent

334-2190

RECEIVED

SEP 24 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Amended

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Kelsie Baldwin and Ryan Baldwin Name connector (check one): ☒ and ☐ or ☐ and/or Phone 208-634-5268
Mailing address P.O. Box 2022 City McCall
State ID Zip 83638 Email kelsiebaldwin@hotmail.com

2. Source of water supply groundwater which is a tributary of Lake Fork Creek
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
17N	3E	11			NW	NW	Valley	groundwater	excavated pond

4. Water will be used for the following purposes:
 Amount 12 afa for aesthetic storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 6 afa for irrigation storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 6 afa for irrigation from storage purposes from 4/15 to 10/15 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 18 afa acre feet per year (af).
6. Proposed diverting works:
- Describe type and size of devices used to divert water from the source. excavated pond (1.5 acres surface and 8 feet average depth)
 - Height of storage dam _____ feet; active reservoir capacity 12 acre-feet; total reservoir capacity 12 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.
7. Description of proposed uses (if irrigation only, go to item 8):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. aesthetic storage in excavated pond

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	11						A											
								2											

Total number of acres to be irrigated: 2

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?
No other water source.

10. a. Who owns the property at the point of diversion? applicant
- b. Who owns the land to be irrigated or place of use? applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Excavated recreation pond is filled from groundwater inflow. Storage volume is approximately 12 acre feet, based on average pond depth of 8 feet and 1.5 acres surface area. Irrigation of up to 2 acres will occur from the pond, which would utilize 6 acre feet. Impact to Lakefork basin will be mitigated by the permanent retirement of 18 acre feet of storage water right 65-2952B.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant

Kelsie Baldwin
Print Name (and title, if applicable)

[Signature]
Signature of Applicant

Ryan Baldwin
Print Name (and title, if applicable)

Received by BB Date 9-24-2014 Time 12:00 Preliminary check by KW
Fee \$ 250.00 Received by HP Receipt No. C097199 Date 5-22-2013
100.00



RECEIVED

OCT 17 2014

WATER RESOURCES
WESTERN REGION

PROPOSED MITIGATION PLAN FOR WATER RIGHT APPLICATION NO. 65-23543

To the Idaho Department of Water Resources (IDWR):

Ryan Baldwin and Kelsie Baldwin agree to permanently retire 18 acre feet authorized for storage under Water Right No. 65-2952B to mitigate use of the above referenced application.

The Baldwins agree to this mitigation plan as follows:

1. The 18 acre feet of storage will no longer be stored at Browns Pond, the authorized place of use for 65-2952B. A reduction of 18 acre feet of storage at Browns Pond will offset depletions to stream flows within the Lake Fork Creek drainage basin that may occur as a result of permit 65-23543.
2. The Baldwins will purchase the 18 acre feet of storage water right from Diane DeBoer. A change of ownership for the 18 acre feet of water right will be submitted to IDWR following the application protest period, but prior to application approval. The 18 acre feet of water right 65-2952B will be formally abandoned as a condition of permit approval.

Signature:


Kelsie Baldwin

Signature:


Ryan Baldwin

Date:

10/10/14

State of Idaho
Department of Water Resources

AMENDED Permit to Appropriate Water

NO. 65-23543

Priority: May 22, 2013

Maximum Diversion Volume 18.0 AF

This is to certify, that RYAN BALDWIN AND KELSIE BALDWIN
PO BOX 2022
MC CALL ID 83638

have applied for a permit to appropriate water from

Source: GROUND WATER

Tributary: LAKE FORK CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	12.0 AF
IRRIGATION STORAGE	01/01 to 12/31	6.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/31	6.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW1/4NW1/4 Sec 11, Twp 17N, Rge 03E, B M, VALLEY County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 03E 11						X											

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 03E 11						X											

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 03E 11							2.0										2.0
Total Acres:																	2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before April 01, 2020.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-23543

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65K.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No 65-2932B	Use Changed to Mitigation Irrigation Storage	Mitigation Volume (AF) 18.0 AF
----------------------	--	--------------------------------------

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

7. The pond established by the storage of water under this right shall not exceed a total capacity of 12 acre-feet or a total surface area of 1.5 acres.
8. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district request that the watermaster curtail diversion and use of water.
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of March, 2015.



STEVE LESTER

Interim Western Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

March 31, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KELSIE BALDWIN
RYAN BALDWIN
PO BOX 2022
MC CALL ID 83638

RE: Permit No.65-23543

Amended Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amended permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

This approval includes using your portion of right 65-2932B from Browns Pond to mitigate your new permit. Your split portion of the Browns Pond right is identified as 65-23610. Please see the enclosed proof report of 65-23610 confirming the right will not be used for anything other than mitigation. The dam for Browns Pond failed several years ago. If the dam is rebuilt to store water again, the water identified in 65-23610 cannot be stored but must be allowed to naturally flow downstream for the benefit of other water users in the Lake Fork system.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,



for.

Steve Lester
Interim Western Region Manager

Enclosures

Falk, John

From: Falk, John
Sent: Saturday, April 11, 2015 5:10 PM
To: 'Kelsie Baldwin'
Cc: 'Diane Green'
Subject: RE: Quarry Pond
Attachments: Application-Final(2012).pdf

Hi Kelsie,

After reviewing your permit, I understand you are allowed one (1) pond w/maximum storage capacity equal to 12 acre-feet.

The permit also states that your pond will be excavated; from that, I understand to mean that the pond level at all locations will be completely below the ground surface.

- 1) If the pond is *totally* excavated below the ground surface, then you do not need anything from the dam safety side of things....nothing.
- 2) However, if the pool is formed by an artificial barrier of any kind/variety (i.e. dam) anywhere around the perimeter of the pond, then a couple of things need to be confirmed and resolved:
 - a. Is the dam height equal to or greater than ten (10) feet? [Height is the vertical distance from the water surface (at full pool) to the downstream toe of the dam]

If "Yes" to 2a, then your dam must be constructed according to standards prescribed by State Rule (IDAPA 37.03.06). The first step is verify exactly what you want and/or intend to construct. If the answer to the height question still is "yes", then you will need to submit an "Application to Construct an Dam". A copy is attached for you to look over. I can help walk you through this, but you first need to decide *exactly what you want and how big you want your dam to be*.

If "No" to 2a, then your dam is considered exempt from dam safety regulation and you do not need anything else from IDWR with regard to dam design or construction....nothing.

But (there always is one), please note that Idaho Department of Lands may have certain reclamation requirements that must be met with regard to the former quarry. Please check with IDL to make sure they are happy, too.

Please let me know if you have any questions. --jf

From: Kelsie Baldwin [mailto:kelsiebaldwin@hotmail.com]
Sent: Friday, April 10, 2015 9:25 AM
To: Falk, John
Subject: Re: Tuesday Meet

Thanks!

Kelsie

Sent from my iPhone

On Apr 10, 2015, at 8:15 AM, "Falk, John" <John.Falk@idwr.idaho.gov> wrote:

Oh yes, sure do!

Glad you were able to get your water right squared away.

Please allow me to review the Permit so I know how big/how much storage you intend.



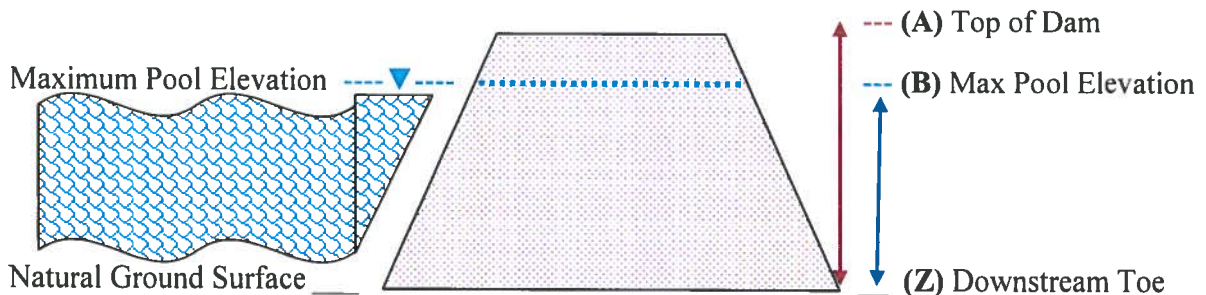
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Corresponding Water Use
Identification No. _____**APPLICATION FOR CONSTRUCTION OR ENLARGEMENT OF A NEW OR EXISTING DAM**

Required for construction or enlargement of a dam 10 feet or more in height or a reservoir with a storage capacity of 50 acre-feet or more. Please complete this application to reflect the final project dimensions.*

- 1) Is this application for enlargement of an existing dam or reservoir? Yes ____ No ____
- 2) Name of Dam or Reservoir: _____
- 3) Name of Applicant: _____
Address: _____ City/ State: _____ ZIP: _____
- 4) Dam Location: Township _____ Range _____ Section _____ County _____
- 5) Is the dam/reservoir located out-of-channel (off stream)? Yes ____ No ____
- 6) Source of Water: _____ Tributary to: _____
- 7) Reservoir: Surface Area _____ (acres) Storage Capacity: _____ (acre-feet)
- 8) Proposed Use(s): _____
- 9) Type of Dam/ Construction Materials: _____ (earth, concrete, rock, etc.)
- 10) **Dam Height:** _____ (feet) → (A) to (Z)
Dam height corresponds to the vertical distance measured at the downstream toe of the dam, from the original /natural ground surface to the top of the dam (see below).
- 11) **Hydraulic Height:** _____ (feet) → (B) to (Z)
Hydraulic height corresponds to the vertical distance measured at the downstream toe of the dam to the maximum reservoir surface elevation (see below).



* **Note!** Design plans and specifications must be reviewed and approved by IDWR Dam Safety prior to beginning construction. Dams more than 20 feet in height or reservoirs with a storage capacity 100 acre-feet or more require a design prepared by an Idaho licensed professional engineer (§ 42-1712).

12) What is the size and composition of the outlet conduit (pipe)?

Inside Dimension: _____ (inches) Composition: _____ (steel, plastic, etc.)

13) Where is the emergency spillway located relative to the dam (looking downstream)?

Left Abutment ____ Right Abutment ____ Other (explain) _____

14) Describe the spillway channel lining material: _____ (concrete, rock, etc.)

15) List the depth of the spillway channel entrance as measured from the top of the dam: _____ (feet)

16) Spillway channel dimensions: Bottom Width ____ (ft), Top Width ____ (ft), Side slopes ____ H : ____ V

17) Proposed date for start of construction (month and year): _____

18) Estimated completion of construction (month and year): _____

19) Do you own the real property where the dam and reservoir are located? Yes ____ No ____

20) If "No", list the name and address of the property owner: _____

Address: _____ City/ State: _____ ZIP: _____

21) Applicant Signature: _____ Date: _____

----- Fee Schedule -----

The fee collected for construction of a new dam, or for enlarging an existing dam or increasing the storage capacity of an existing reservoir (§ 42-1713) is additional to other Water Right Application fee(s). Note also that certain types of hydraulic barriers are exempt from IDWR dam safety regulation (§ 42-1711).

10 acre-feet total capacity, or less	No fee is required for hydraulic barriers constructed in low hazard areas impounding 10 acre-feet or less, regardless of height.
1000 acre-feet capacity, or less	\$200, plus \$10 for each ten (10) acre-feet of reservoir capacity or part thereof.
1001 acre-feet to 10,000 acre feet	\$1000, plus an additional \$1.00 for each ten (10) acre-feet or part thereof over the first one-thousand acre-feet capacity.
More than 10,000 acre-feet	\$1900, plus \$0.20 for each ten-thousand acre-feet of reservoir capacity; total fee shall not exceed \$6000.

----- For Department Use Only -----

Application Received By: _____ Fee: \$ _____

Receipt No: _____ Received By: _____ Date: _____

*** Note!** Design plans and specifications must be reviewed and approved by IDWR Dam Safety prior to beginning construction. Dams more than 20 feet in height or reservoirs with a storage capacity 100 acre-feet or more require a design prepared by an Idaho licensed professional engineer (§ 42-1712).

Falk, John

From: Kelsie Baldwin [kelsiebaldwin@hotmail.com]
Sent: Friday, April 10, 2015 9:25 AM
To: Falk, John
Subject: Re: Tuesday Meet

Thanks!

Kelsie

Sent from my iPhone

On Apr 10, 2015, at 8:15 AM, "Falk, John" <John.Falk@idwr.idaho.gov> wrote:

Oh yes, sure do!
Glad you were able to get your water right squared away.
Please allow me to review the Permit so I know how big/how much storage you intend.

If you recall, it is those dimensions that will impact heavily what is required for design and construction.
--jf

From: Kelsie Baldwin [<mailto:kelsiebaldwin@hotmail.com>]
Sent: Wednesday, April 08, 2015 1:18 PM
To: Kelsie Baldwin
Cc: Falk, John
Subject: RE: Tuesday Meet

John, Im not sure that you will remember our project here in McCall, as we have been working on obtaining water rights for 2 yrs and have finally accomplished it! We are ready to speak with you about getting direction on building a proper damn to IDWR specs.

Please let me know what we need to do to finally get moving on this project.

Thanks,

Kelsie Baldwin

WR Permit No. 65-23543

From: kelsiebaldwin@hotmail.com
To: dgreen@idl.idaho.gov
CC: john.falk@idwr.idaho.gov; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov
Subject: RE: Tuesday Meet
Date: Wed, 18 Apr 2012 16:00:34 -0600

Falk, John

From: Peppersack, Jeff
Sent: Friday, April 10, 2015 8:38 AM
To: Falk, John
Subject: RE: Tuesday Meet

John,
Let's plan to talk about it at our meeting.

Jeff

From: Falk, John
Sent: Friday, April 10, 2015 8:17 AM
To: Peppersack, Jeff
Subject: FW: Tuesday Meet

already printed

Jeff, this project (email string) would be a good one for Ashley to get her started...a bit of everything on this one:

- Involvement with another state agency (IDL)
- Apparent difficulty in communication (?) between WR and DS
- Decisions regarding height/storage and Rx design criteria depending on final dimensions

Today, Jeff, I'm meeting with Sinker Creek (57-7152) dam tender for inspection.
Arranged yesterday afternoon, so unable to coordinate with others.
I should be back late afternoon. --jf

From: Kelsie Baldwin [<mailto:kelsiebaldwin@hotmail.com>]
Sent: Wednesday, April 08, 2015 1:18 PM
To: Kelsie Baldwin
Cc: Falk, John
Subject: RE: Tuesday Meet

John, I'm not sure that you will remember our project here in McCall, as we have been working on obtaining water rights for 2 yrs and have finally accomplished it! We are ready to speak with you about getting direction on building a proper dam to IDWR specs.

Please let me know what we need to do to finally get moving on this project.

Thanks,

Kelsie Baldwin

WR Permit No. 65-23543

From: kelsiebaldwin@hotmail.com
To: dgreen@idl.idaho.gov
CC: john.falk@idwr.idaho.gov; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov

Falk, John

From: Falk, John
Sent: Thursday, July 31, 2014 7:57 AM
To: Keen, Shelley
Subject: FW: Baldwin IDWR letter

I spoke to John W. yesterday to follow-up w/ email (below).
John indicated that he or someone from his office would call Diane to try to resolve.

BTW, Diane mentioned that IDL protocol is to send out a request for comment to IDWR, IDEQ and IDFG prior to IDL approving any reclamation plan that crosses her desk. Per Diane, IDWR didn't provide IDL any response back in 2007 when the plan was approved.

BTW2, the attorney's name is Steve Milliman (sp?).

From: Falk, John
Sent: Tuesday, July 29, 2014 5:36 PM
To: Keen, Shelley
Subject: FW: Baldwin IDWR letter

fyi

From: Falk, John
Sent: Monday, July 28, 2014 11:13 AM
To: 'Diane Green'
Cc: Westra, John; Collingwood, Rick; Peppersack, Jeff
Subject: FW: Baldwin IDWR letter

Thanks for the copy of the letter, Diane.
Attached is a copy of my trip report that you requested.
Although I may have spoken via telephone once or twice in the interim, I don't have record of any other written communication from either the Baldwins or Mr. Gilbert.

To summarize for others cc'd:

- A condition of site reclamation related to the former sand/gravel extraction operation is the construction of a sediment retention pond.
- The reclamation plan was approved by IDL sometime in 2007(?)
- Mr. Faron Gilbert is the quarry operator who posted a bond w/ IDL as surety, and who is the party responsible for site reclamation.
- The Baldwin family purchased some or all(?) of the property from Mr. G. prior to site reclamation (I understand the bond has not been released).
- Apparently, the Baldwin family attempted to obtain from IDWR a water right for storage of water, but was denied (I don't have a copy of the application).
- Project is being litigated as one means for resolution; the potential outcome is unknown and may be contrary to the state's interests.

I have a couple of suggestions for construction of a sediment pond in such fashion that *may* help resolve the situation, but would like to have concurrence before offering to any of the other individuals/parties involved so that both our respective agency statutes/rules have been addressed; to understand fully what is permissible, or not.

Falk, John

From: Falk, John
Sent: Monday, July 28, 2014 11:13 AM
To: 'Diane Green'
Cc: Westra, John; Collingwood, Rick; Peppersack, Jeff
Subject: FW: Baldwin IDWR letter
Attachments: baldwin-idwr_letter.pdf; 65-xxxx-(2012-4-17)-TR.pdf

Thanks for the copy of the letter, Diane.

Attached is a copy of my trip report that you requested.

Although I may have spoken via telephone once or twice in the interim, I don't have record of any other written communication from either the Baldwins or Mr. Gilbert.

To summarize for others cc'd:

- A condition of site reclamation related to the former sand/gravel extraction operation is the construction of a sediment retention pond.
- The reclamation plan was approved by IDL sometime in 2007(?)
- Mr. Faron Gilbert is the quarry operator who posted a bond w/ IDL as surety, and who is the party responsible for site reclamation.
- The Baldwin family purchased some or all(?) of the property from Mr. G. prior to site reclamation (I understand the bond has not been released).
- Apparently, the Baldwin family attempted to obtain from IDWR a water right for storage of water, but was denied (I don't have a copy of the application).
- Project is being litigated as one means for resolution; the potential outcome is unknown and may be contrary to the state's interests.

I have a couple of suggestions for construction of a sediment pond in such fashion that *may* help resolve the situation, but would like to have concurrence before offering to any of the other individuals/parties involved so that both our respective agency statutes/rules have been addressed; to understand fully what is permissible, or not.

From: Diane Green [<mailto:DGreen@idl.idaho.gov>]
Sent: Monday, July 28, 2014 9:48 AM
To: Falk, John
Subject: Baldwin IDWR letter

John,

Here is the **letter** the Baldwin's received concerning water rights for the pond on their property.

Diane

Diane Green
Lands Resource Specialist, Sr.
Payette Lakes Area Office
555 Deinhard Lane
McCall, ID 83638
208-634-7125 office



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

Ext: 108
Kay Walker

August 29, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Ryan & Kelsie Baldwin
PO Box 2022
McCall ID 83638

RE: Application for Permit 65-23543

Dear Applicants:

You filed an application for permit for a new consumptive use for an existing pond developed from shallow ground water &/or springs near Lake Fork Creek. The pond is located between the Mahala and Spink-Barker ditches and will hold about 26 acre feet of water. The proposed source is presumed to be tributary to the creek. The creek is managed by the Lake Fork Creek Watermaster, Mr. John Leedom.

Based on information available to the Idaho Department of Water Resources (IDWR), all the water in that system is allocated to existing water rights. Water is not available from this source, regardless if it is shallow ground water or springs, for a new consumptive use water right.

Please consider the following options for your situation.

1. Withdraw the application using the enclosed form.
2. Submit credible data documenting that additional water is available from the source demonstrating that the source is not hydraulically connected to the creek.
3. Submit a credible mitigation plan regarding your proposed development. This can include but is not limited to an application for transfer to change an existing water right. A transfer application could replace your application or could be filed in addition to your application. This option could include a change to an irrigation water right held by a delivery organization diverting from Lake Fork Creek. Changes to water rights held by a delivery organization must be made by that entity instead of by a shareholder within the organization.

We have enclosed a list of consultants that may be helpful in responding to this request. The previous property owner was sent this letter when he filed for storage in the pond and he never responded to our request, as listed above, and the application was voided.

Please submit the requested information within the next 30 days. You may seek additional time to provide the information by making a written request to hold the applications for up to six months. Your response or a request for more time to seek the information must be received on or before **September 30, 2013**. Failure to make a timely response will cause your application to be voided. A refund of the application fee cannot be issued for a voided application.

More information about water rights and other matters administered by IDWR is available on the Internet at www.idwr.idaho.gov. Please feel free to contact this office at (208)334-2190 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure



Dam Safety Section

TRIP REPORT

TO: Sonny Hornbaker
CC: John Westra, Jeff Peppersack
FROM: John Falk, PE
DATE: April 17, 2012
SUBJECT: Basin 65 - Complaint Investigation
Dam Failure @ Former Lake Fork Quarry

On Tuesday April 17, 2009 I visited the referenced site located in NWNW Section 11, T17S, R3E Valley County (photo 1). The purpose for the visit was in response to a telephone call received from Jan Webster at the Soil Water Conservation District who relayed to me a notice from Kelsie and Ryan Baldwin regarding the weekend failure of an impoundment located on their property. Before visiting the site I learned that the Baldwin's property consists of a ten-acre parcel on lands partially reclaimed from a previous quarry operation. Site reclamation is being regulated by Idaho Department of Lands (IDL); the contact person is Diane Green (208) 634-7125. I understand the Baldwin's purchased the property from the quarry operator, Mr. Faron Gilbert, prior to his completion of site reclamation and final approval by IDL. I met the above named individuals on site around noontime.

The weather was clear, cool, and windy; the ground was wet from previous days' rain. Located near the south border of the Baldwin's property was a small, sand-fill berm approximately 7-8' above the adjacent ground surface (Photo 2-3). Reportedly, this existing structure was hastily built by Mr. Gilbert following the overtopping failure of the former dam. Immediately downstream from the berm is located an active quarry. The height of the existing structure and perceived Low hazard classification would exempt the re-built barrier from IDWR dam safety regulation. However, the Baldwin's stated that they want to rebuild the dam to its former height to restore the size/depth of the reservoir that existed on the property when they initially purchased it from Mr. Gilbert (pre-failure conditions). Based on site measurements, the original hydraulic height was estimated to exceed 10 feet.

IDWR's requirements for obtaining both a water right and approval to construct a dam were explained to all of the individuals. Ms. Baldwin indicated that she would begin efforts to file the necessary applications. I understand IDL will not approve/accept final reclamation of the site until Mr. Gilbert has satisfied all of the requirements per Idaho's Surface Mining Act (Title 47, Chapter 15). In addition, it is Mr. Gilbert who apparently will be responsible for rebuilding the dam to resemble its original height and reservoir storage capacity.

It is important to note that the site conditions generally are unfavorable for construction of a dam of substantial height/ head due to the presence of porous alluvial materials observed at the abutments and in the foundation, and the relatively high ground water table. However, a low head dam likely can be constructed using local fill materials provided there is sufficient embankment width to prevent internal erosion/ piping, and making certain to include an appropriately sized and hardened overflow spillway to prevent erosion of the embankment during peak flows or periods of sustained runoff. Additional photographs can be viewed:
N:\DamSafety\DIGITAL PHOTO GALLERY-All Dams\Basin 65 - Lake Fork Quarry Dam

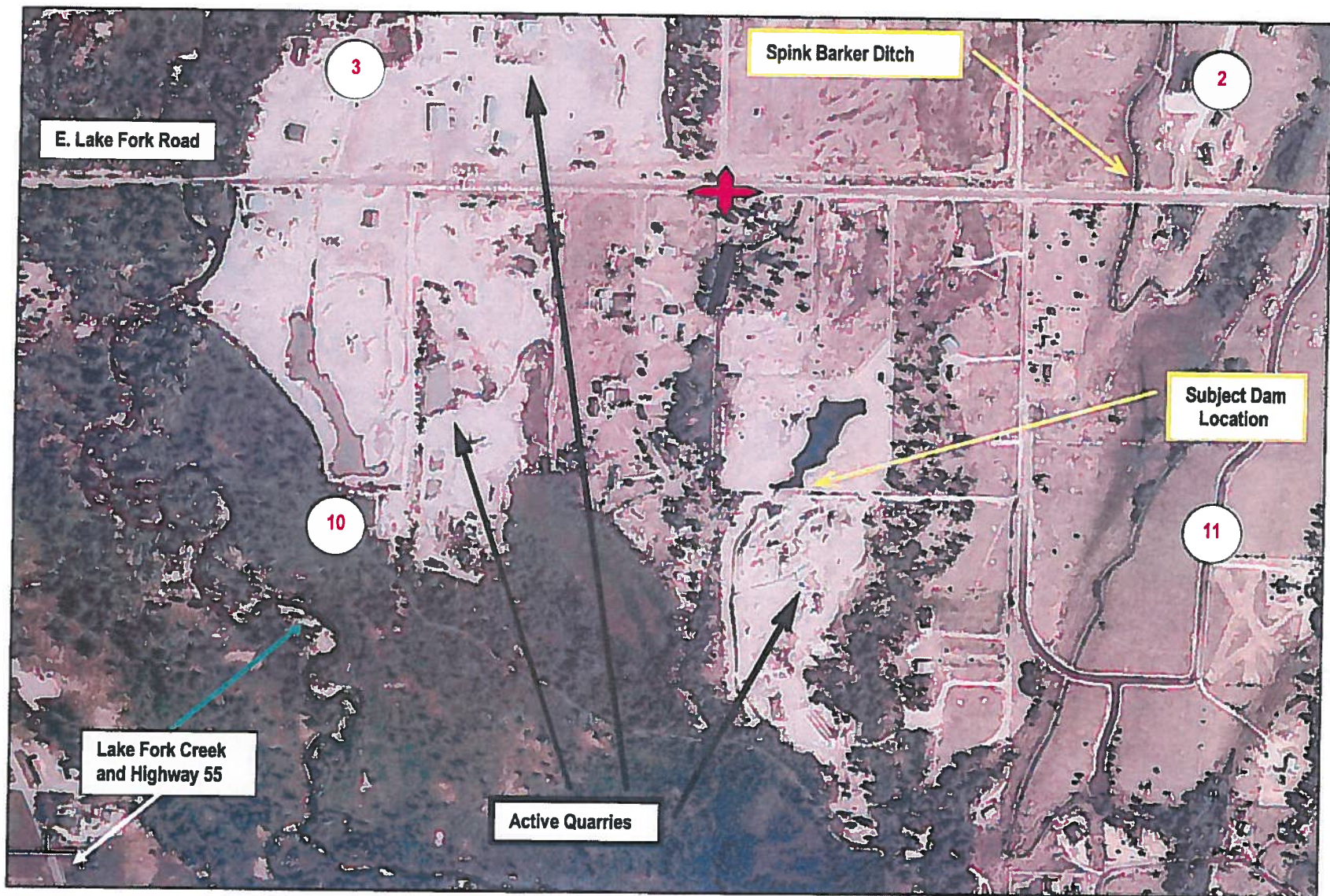


Photo 1 (Google Maps-Unknown Date) - Aerial view of subject pond prior to dam breach that occurred on or about 4/15/12. Note the numbers of active quarries in the vicinity, and the location of Spink Barker Ditch. The ground slope is generally to the southwest toward Lake Fork Creek, but the original drainage patterns have been significantly altered as a result of sand and gravel mining.



Photo 2 (4/17/12) - View looking upstream at the temporary 7-8' tall barrier constructed ~100 feet upstream from the failed dam location. Note the saturated zone (dashed line) and leaking water near the base of the sand embankment.



Photo 3 - View is looking east along the approximate south line of the Baldwin's property. Shown left is the new barrier; on the right (out of view) is the neighbor's active quarry.



Photo 4 (4/17/12) - Downstream view from right abutment of temporary berm. Note the thick accumulation of sediment that reportedly was washed from the dam failure.

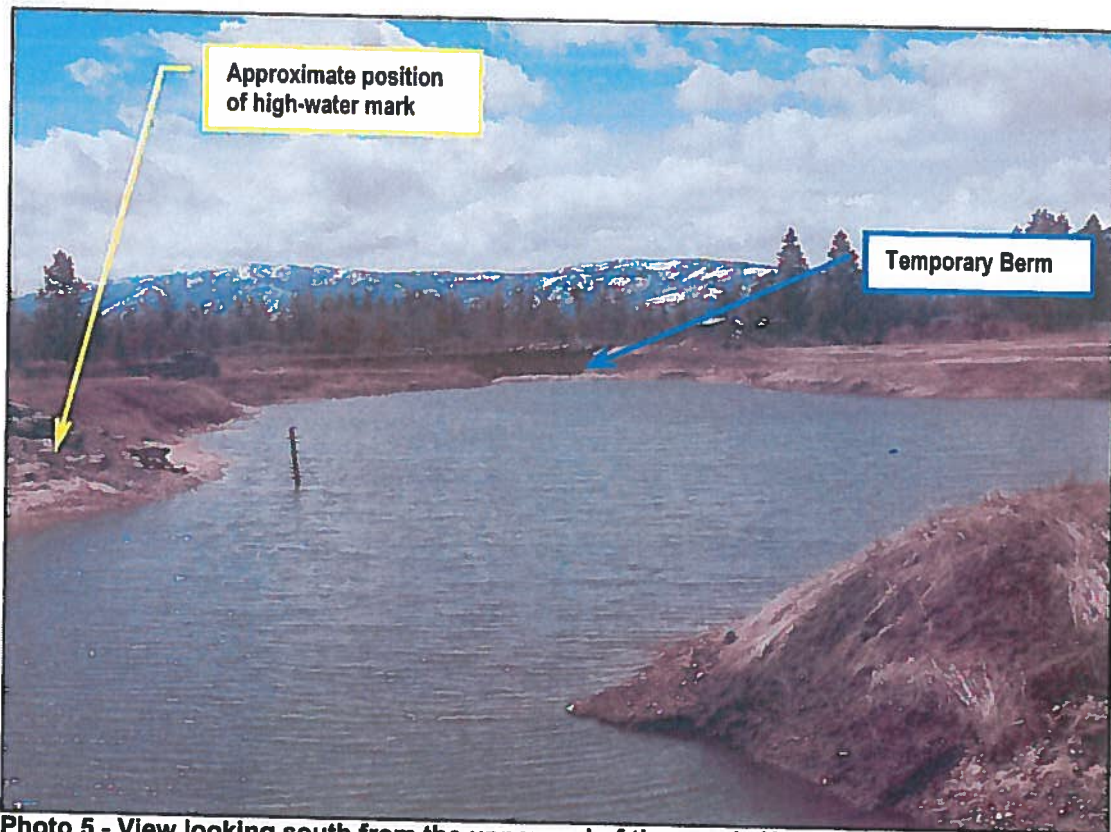


Photo 5 - View looking south from the upper end of the pond. Note the approximate high water mark created by the previous reservoir. In the background is the location of the temporary berm shown in the photos above.

Falk, John

From: Falk, John
Sent: Thursday, May 03, 2012 12:55 PM
To: Hornbaker, Sonny
Cc: Peppersack, Jeff; Westra, John; Keen, Shelley
Subject: Unpermitted impoundment near Lake Fork
Attachments: 65-xxxx-(2012-4-17)-TR.pdf

Sonny, FYI

The report is filed in archives.

N:\DamSafety\DAM SAFETY - Archives\Western Region\COMPLAINTS - INVESTIGATIONS\Basin 65 - Lake Fork Quarry Dam

At this time, Water right(s) do not exist for the existing pond, or the proposed rebuild.

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927



Dam Safety Section

TRIP REPORT

TO: Sonny Hornbaker
CC: John Westra, Jeff Peppersack
FROM: John Falk, PE
DATE: April 17, 2012
SUBJECT: Basin 65 - Complaint Investigation
Dam Failure @ Former Lake Fork Quarry

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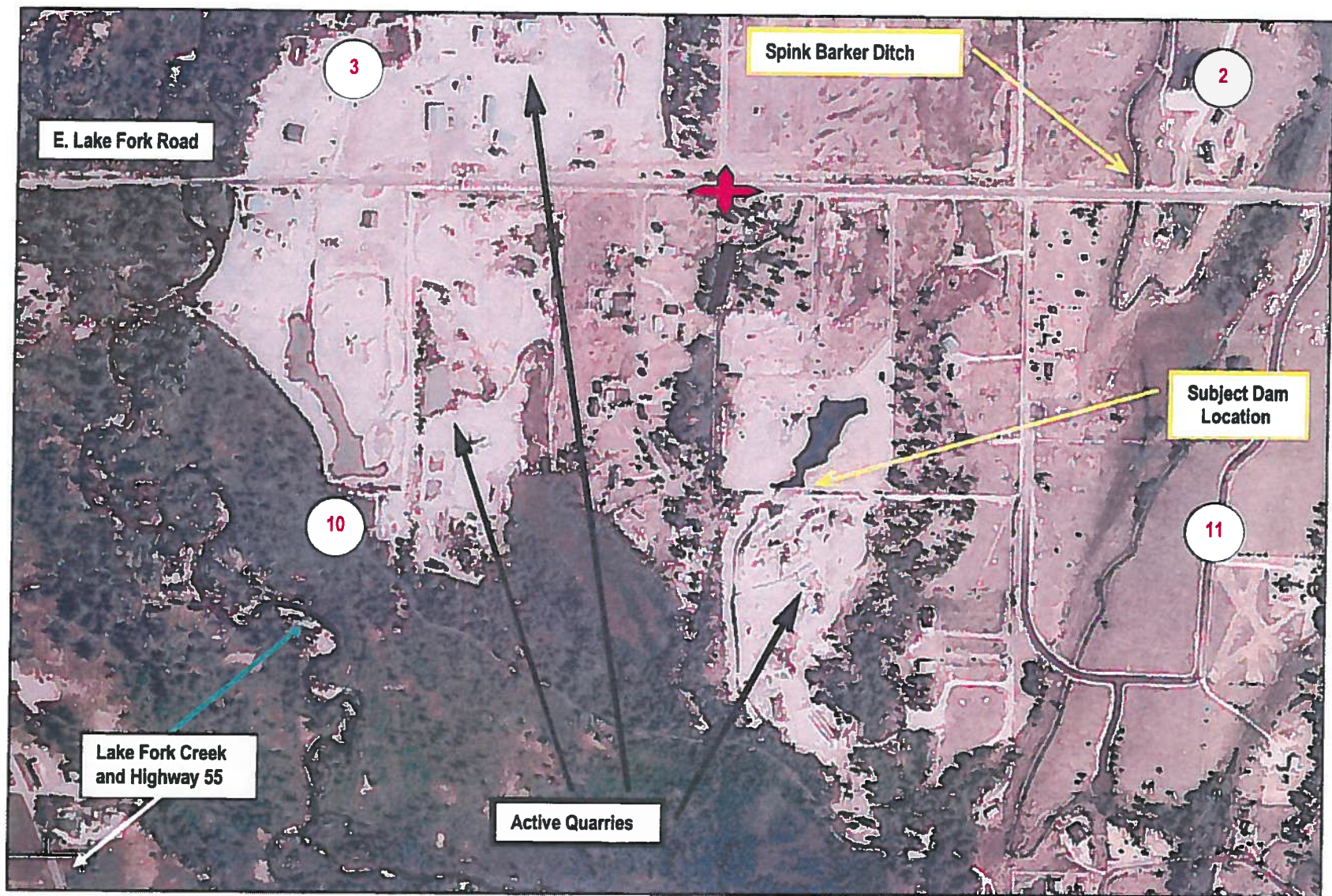


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Photo 5 - View looking south from the upper end of the pond. Note the approximate high water mark created by the previous reservoir. In the background is the location of the temporary berm shown in the photos above.

Falk, John

From: Falk, John
Sent: Monday, July 28, 2014 11:13 AM
To: 'Diane Green'
Cc: Westra, John; Collingwood, Rick; Peppersack, Jeff
Subject: FW: Baldwin IDWR letter
Attachments: baldwin-idwr_letter.pdf; 65-xxxx-(2012-4-17)-TR.pdf

Thanks for the copy of the letter, Diane.

Attached is a copy of my trip report that you requested.

Although I may have spoken via telephone once or twice in the interim, I don't have record of any other written communication from either the Baldwins or Mr. Gilbert.

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Sent: Monday, July 28, 2014 9:48 AM
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John,

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Diane

Diane Green
Lands Resource Specialist, Sr.
Payette Lakes Area Office
555 Deinhard Lane
McCall, ID 83638
208-634-7125 office



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

Ext: 108
Kay Walker

August 29, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Ryan & Kelsie Baldwin
PO Box 2022
McCall ID 83638

RE: Application for Permit 65-23543

Dear Applicants:

You filed an application for permit for a new consumptive use for an existing pond developed from shallow ground water &/or springs near Lake Fork Creek. The pond is located between the Mahala and Spink-Barker ditches and will hold about 26 acre feet of water. The proposed source is presumed to be tributary to the creek. The creek is managed by the Lake Fork Creek Watermaster, Mr. John Leedom.

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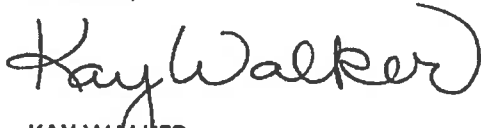
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Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive style with a large, looping "K" and "W".

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure



Dam Safety Section

TRIP REPORT

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CC: John Westra, Jeff Peppersack
FROM: John Falk, PE
DATE: April 17, 2012
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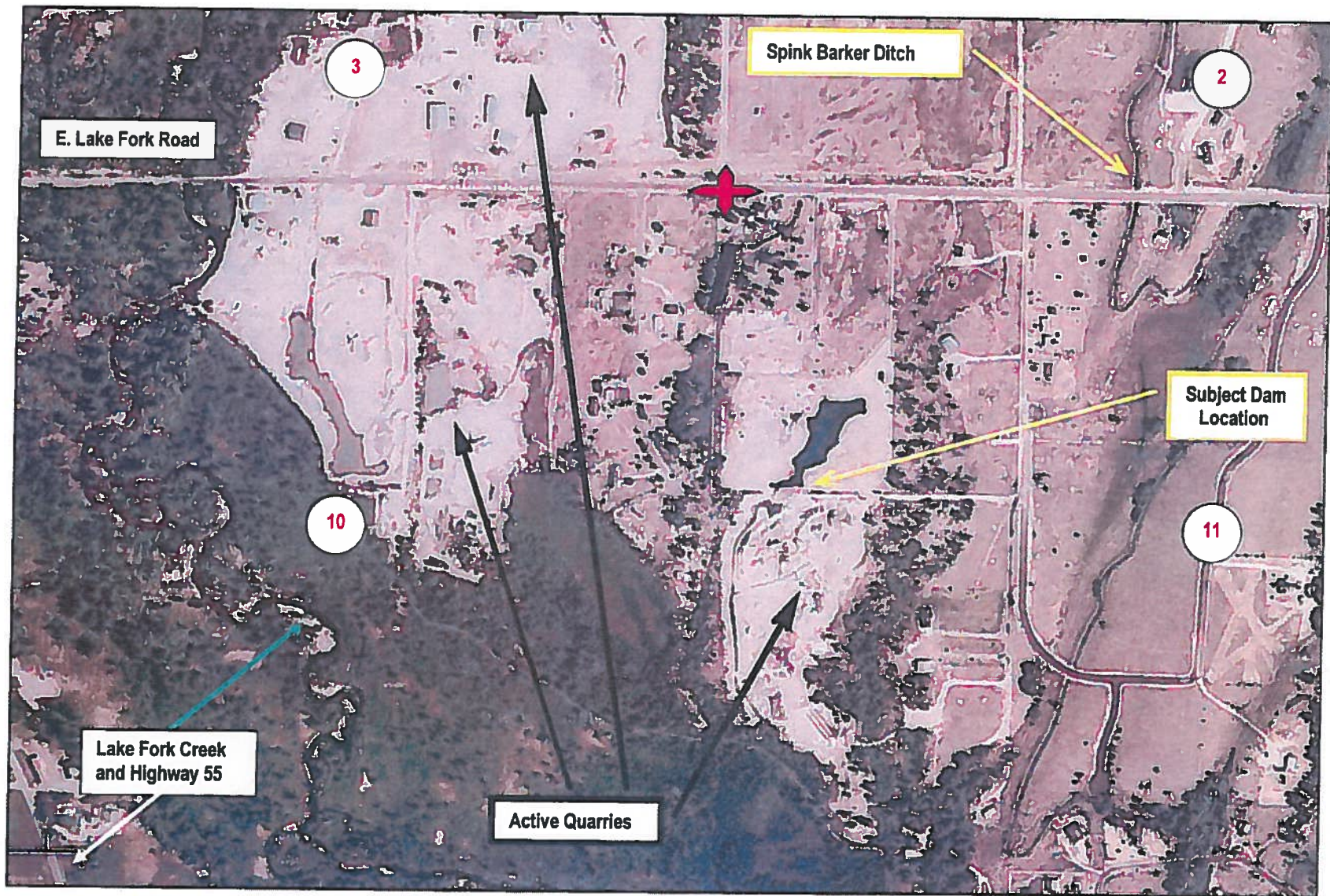


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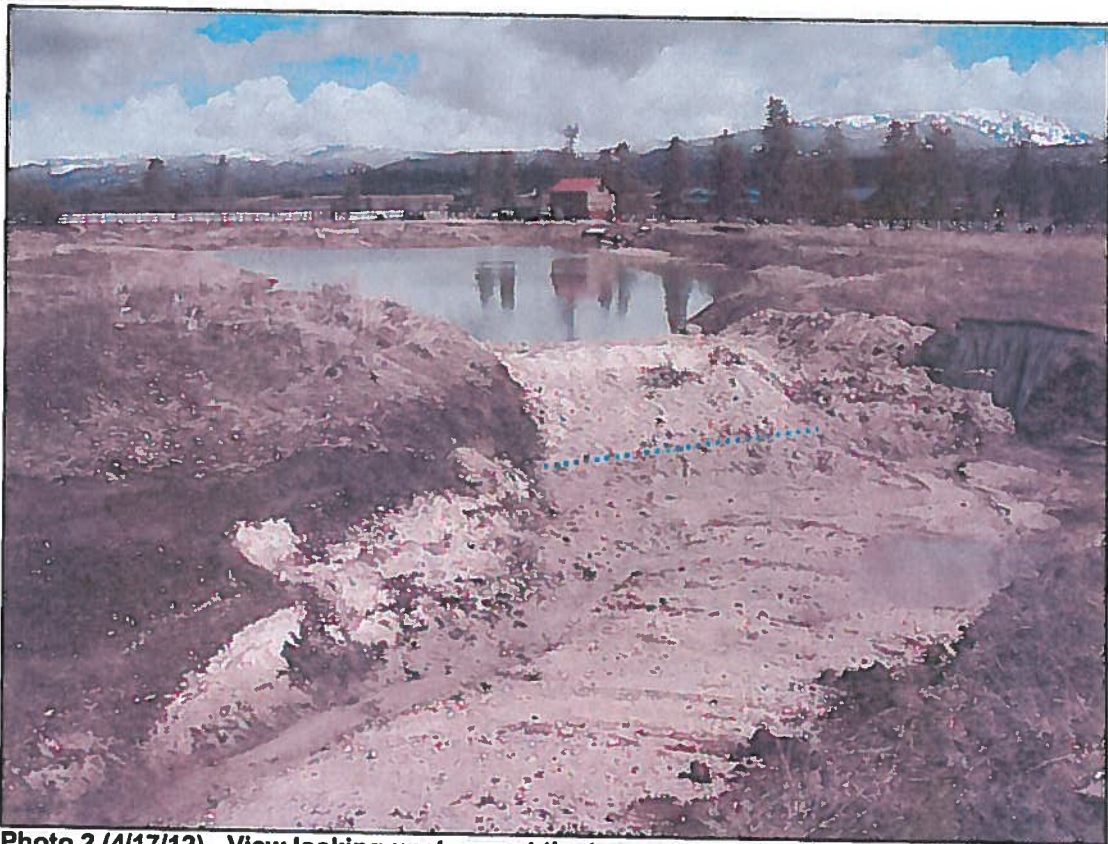


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Falk, John

From: Kelsie Baldwin [kelsiebaldwin@hotmail.com]
Sent: Wednesday, April 18, 2012 4:01 PM
To: Diane Green
Cc: Falk, John; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov
Subject: RE: Tuesday Meet
Attachments: DSC_0288.JPG; DSC_0290.JPG; DSC_0292.JPG; DSC_0294.JPG; DSC_0295.JPG; DSC_0296.JPG

Hi Diane, Attached are some pics of the temp damn from early afternoon today. We went and looked at it first thing this morning and it was spilling over and slightly eroded, by this afternoon it was much worse. I would assume it won't last much longer if we continue to get heavy rain and/or run off.

Thanks for sending over the acre feet info, I haven't looked at it yet, so if I have any questions I will give you a call tomorrow.

I will send a separate email shortly asking for the info on the rec plan.

Thank you for sending everything over so quickly! Good luck with your surgery and I will just plan on CCing everyone on future emails to keep everyone in the loop!

Kelsie

Subject: RE: Tuesday Meet
Date: Wed, 18 Apr 2012 14:59:05 -0600
From: DGreen@idl.idaho.gov
To: kelsiebaldwin@hotmail.com
CC: John.Falk@idwr.idaho.gov; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov

Hi Kelise, What does the pond look like with the rain last night and today? Is the intended spillway working? I am assuming the water may have reached the point of spilling.....please let me know.

I have attached the reclamation plan.

IDL requires a public records request for information that goes out the door. Just send me an email stating that you have a public records inquiry requesting the reclamation plan in Rod Kessler's name that is adjacent to your property as he has several rec plans in place.

I will send the rest of the information in a bit as I was looking at a web site that had the acreage calculations – might take a minute to find it again. John may have some information also on the calculations.

FYI – I will be having shoulder surgery next Wednesday so will be out of the office for a bit. It may be a week before I get back to work. Just wanted to give you a heads up. Scott Corkill and Rick Sheldon are aware of the situation so should be able to help out in my absence.

Thanks,

Diane Green
Lands Resource Specialist
Idaho Department of Lands



#1100 - JAS - R/106

IDAHO DEPARTMENT OF LANDS
954 W. Jefferson Street
Boise, Idaho 83720
Telephone: (208) 334-0231

APPLICATION FOR RECLAMATION PLAN APPROVAL

GENERAL INFORMATION

The Idaho Surface Mining Act, Idaho Code title 47, chapter 15, requires an operator of a surface mining operation to obtain an approved reclamation plan and bond. There is no fee required.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of the agency(ies) involved.

After the mine plan has been finalized, five (5) copies of this application must be submitted to the Idaho Department of Lands, Bureau of Minerals, at the above address. When the department receives an application, the appropriate federal or state agency(ies) will be notified of said application. Weather permitting, the department shall deliver to the operator within sixty (60) days after the receipt of any reclamation plan or amended plan, the notice of rejection or notice of approval of said plan.

All reclamation plan applications will be processed in accordance with Section 70 of the Administrative Rules Governing Exploration and Surface Mining Operations in Idaho and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Faron Gilbert d/b/a: _____
2. ADDRESS: 45 E. LAKEFORK PL.
CITY, STATE, ZIP CODE: McCall, Idaho 83638
3. TELEPHONE: hm(208) 634-0546 cell-(208) 634-9555
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (If Company's main place of business is 'out of state')

5. PROOF OF QUALIFICATION: If applicant is a business, please attach proof of qualification with the State of Idaho, Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
NW1/4 of Section 11, Township 17N, Range 3 - LOT 4A
7. ACREAGE: 10.002 Ac.
8. COUNTY(ies): Valley (Include map outlined on page 2, item number 12.)
9. OWNERSHIP: (check applicable)
☒ Private ☐ U.S. Forest Service ☐ Bureau of Land Management ☐ Idaho Department of Lands
10. COMMODITY TYPE, DURATION OF OPERATION, PROPOSED START-UP DATE: Sand & rock - commodity
Duration 3yrs max, START UP - 2007

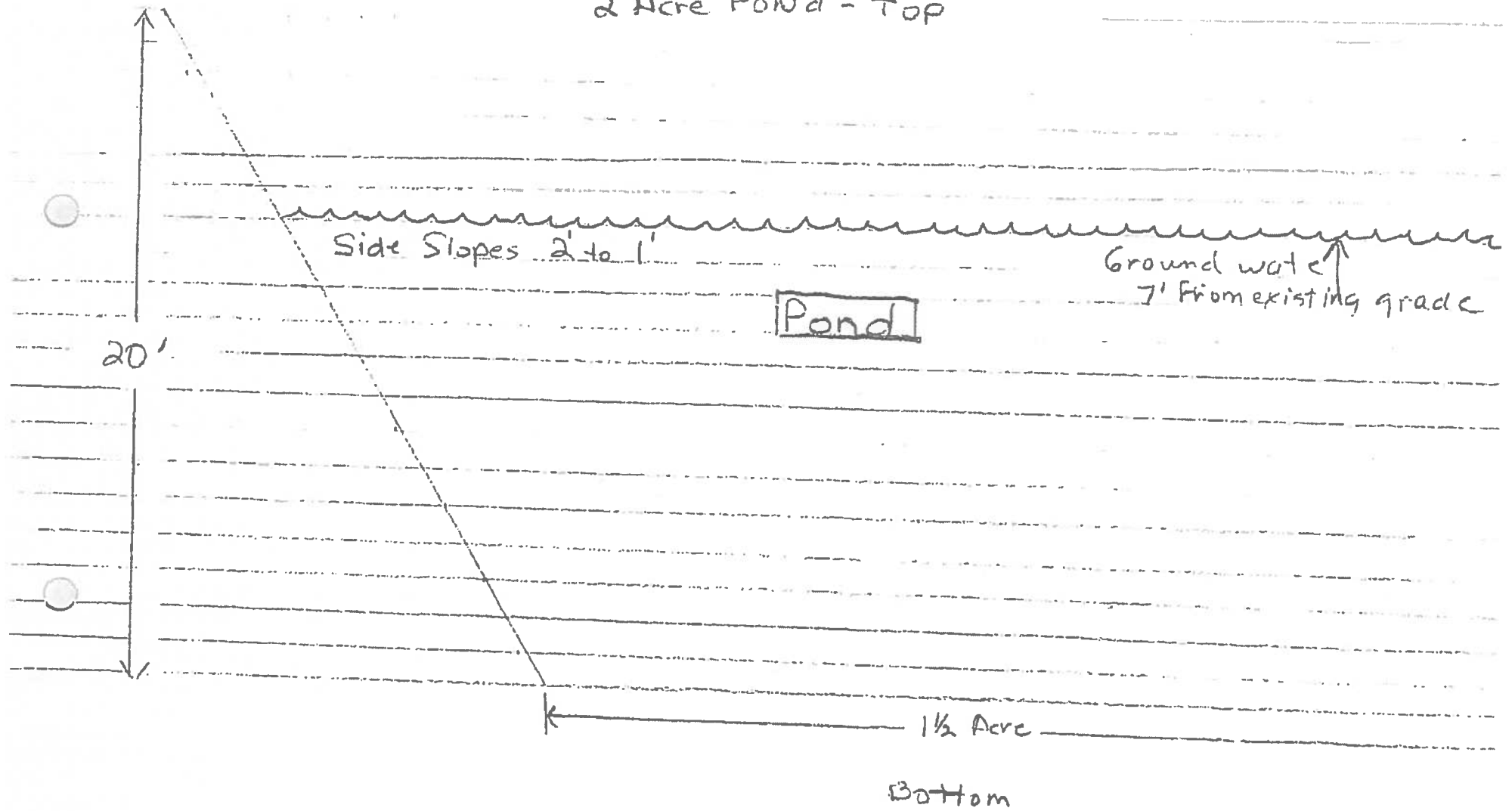
11. Please provide the following maps of your mining operation (Section 070.03):
- A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
 - A site map which adequately shows the location of existing roads, access roads, and main haul roads, which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction and abandonment. (Section 070.03.a)
 - On a site location map show the location and names, if known, of all streams, creeks or bodies of water within 1,000 feet of the surface mining operation.
 - On a site location map show the approximate boundaries and acreage of the lands that will become affected by the mining operation. This map must be of adequate scale for boundary identification.
 - On a site location map show the approximate boundaries and acreage of the lands that will become affected by the mining operations during the first year of operations.
 - On a site location map show the planned location of all tailings ponds and ancillary structures associated with the mining operation.
 - On a site location map show the planned configuration of all pits, mineral stockpiles and overburden piles which will be developed by the mining operation.
 - Develop a surface and mineral control or ownership map of appropriate scale for boundary identification.
 - Develop scaled cross-sections of the mine showing surface profiles prior to mining at maximum disturbance and after reclamation.
12. A reclamation plan must be developed and submitted in map and narrative form (Section 070.04). The reclamation plan must include the following information:
- On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands
 - On a site map show which roads will be reclaimed, the approximate dates for reclamation, and describe the reclamation to be accomplished.
 - Develop a revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area, identify the type of soil to be replaced, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
 - Describe and show how tailings or sediment ponds will be reclaimed.
 - Estimate the actual cost of reclamation which includes the cost for equipment mobilization, regrading, seed, fertilizer, mulch, labor and any other pertinent costs.

APPLICANT SIGNATURE: Farm

DATE 7-18-07

Scaled Cross Section

2 Acre Pond - Top



Operation & source

Reclamation estimate cost - \$30,000⁰⁰

12a. The drainage of sediment laden waters will first go into a sediment pond - **A** - the clear water will then flow into Rod Kesslers Pond **B**

12b. all roads remain open

12c. Top soil will be stored in berms **C** - that will be seeded with pasture grass seed at 16 lb. per acre to minimise erosion. Noxious weeds will be controlled during operations. The top soil will be spread uniformly back across pond banks and be seeded with pasture grass seed (16 lb per acre) with a seed spreader in the spring & fall (if necessary). We have a water truck to insure seeds & seedlings have enough moisture to grow.

12d. The sediment pond, when project is finished, will join in with Kesslers Pond **B** & become part of the whole pond.

Excavation will start in southern middle section of property and work to the south - the fences will remain during operations.

The access road **D** runs from pond **E** to E. Lake Fork Road - the access road is constructed of recycled asphalt to minimise dust - product (commodities) will be delivered to 45 E. Lake Fork Rd. - 1/4 mile to the west on Lake Fork Rd.

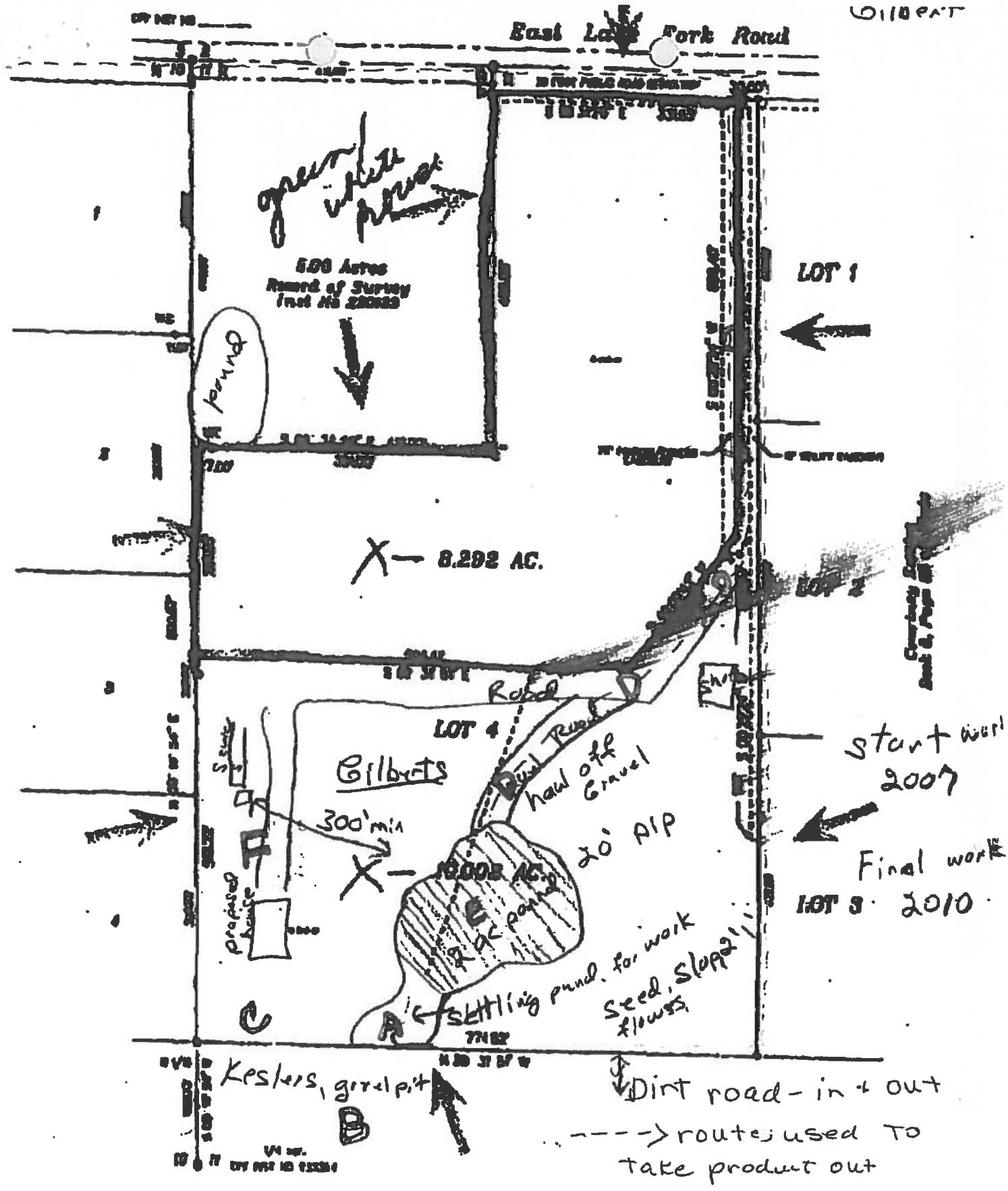
No products will be stored on site (except top soil) 12c)

The proposed house site w/sewer on map **F**

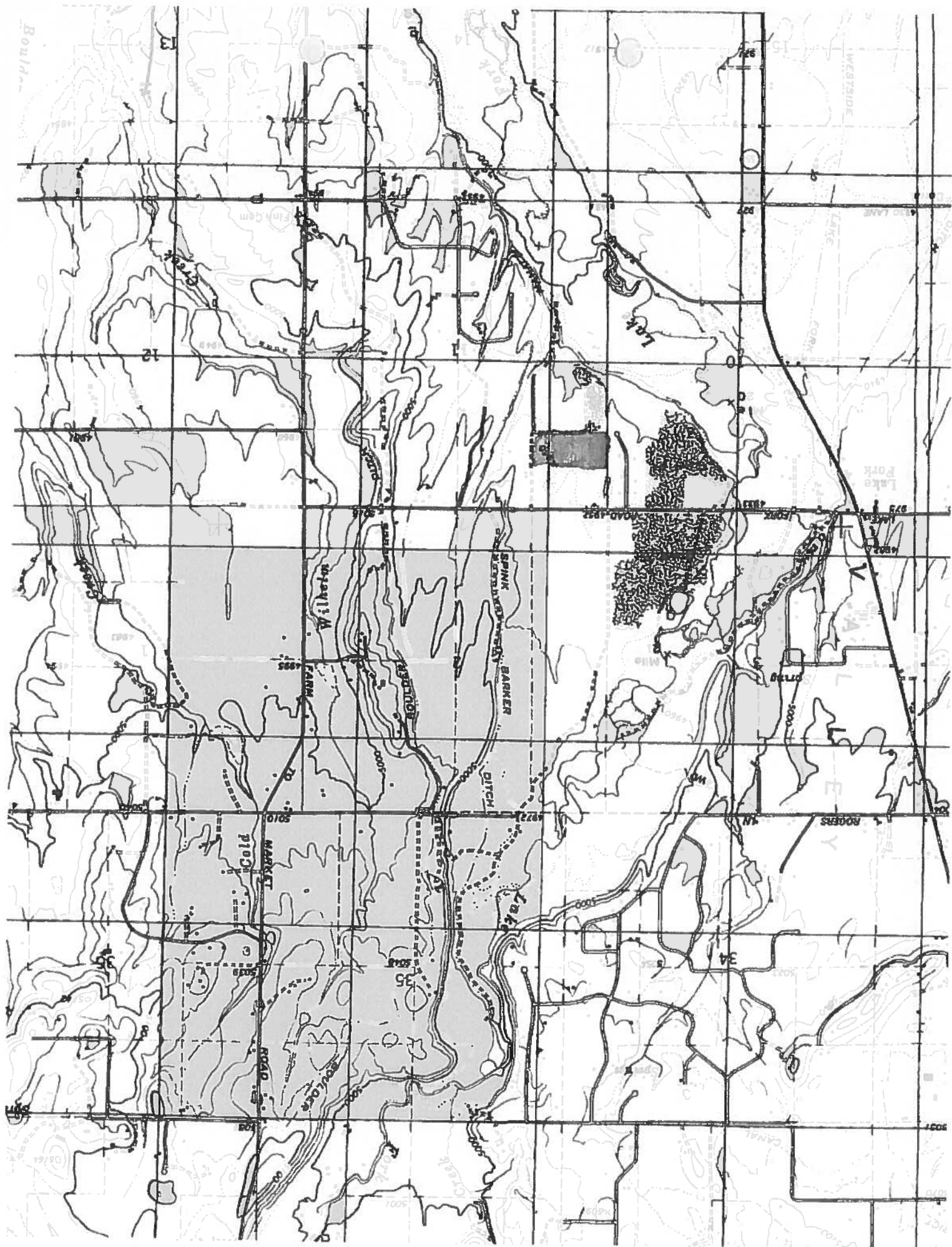
When project is finished - there will be a lovely 2 acre pond.

Thank You,

Tamara 



ORIGINAL DO NOT REMOVE



***Highmark Properties LLC
13801 Stewart Court
McCall, ID 83638***

August 2, 2007

Mr. Jasen King
Lands Resource Specialist
Idaho Department of Lands
555 Deinhard Lane
McCall, ID 83638

Dear Mr. King:

This letter is intended to address drainage of water from one piece of property to another. Highmark Properties LLC owns 14 acres of land off of East Lake Fork Road and Stewart Court in McCall. Faron and Aleta Gilbert own 10 acres of land off of East Lake Fork Road approximately 1 mile east of Hiway 55. Highmark Properties LLC hereby grants permission to Faron and Aleta Gilbert to allow drainage of their man-made pond from their 10 acre parcel into our adjoining 14 acre gravel pit to the south.

If you have questions or concerns with this matter, please contact me at 208-941-9081. Thank you.

Best regards,

HIGHMARK PROPERTIES LLC



Rod Kesler, Member







Falk, John

From: Falk, John
Sent: Tuesday, April 17, 2012 7:45 AM
To: 'Diane Green'; Kelsie Baldwin
Subject: FW: Tuesday Meet

I, of course, meant Ms. Baldwin (brown, green, tuesday; what can I say).

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Falk, John
Sent: Tuesday, April 17, 2012 7:38 AM
To: 'Diane Green'
Cc: Kelsie Baldwin
Subject: RE: Tuesday Meet

Great, I've cc'd Ms. Brown so she is aware of the changed time.
Yes, I will; see you at Noon.

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Diane Green [<mailto:DGreen@idl.idaho.gov>]
Sent: Tuesday, April 17, 2012 7:29 AM
To: Falk, John
Subject: RE: Tuesday Meet

Noon would work for me. Thank you. Please drive safe.

Diane

From: Falk, John [<mailto:John.Falk@idwr.idaho.gov>]
Sent: Tuesday, April 17, 2012 6:52 AM
To: Diane Green; Kelsie Baldwin
Subject: RE: Tuesday Meet

Diane, I could perhaps leave a little earlier if you could be available @ Noon?
I doubt I can get away too much before 10:00.

John Falk, PE
IDWR Dam Safety
322 E. Front Street

Falk, John

From: Diane Green [DGreen@idl.idaho.gov]
Sent: Monday, April 16, 2012 7:01 PM
To: Falk, John; Kelsie Baldwin
Subject: RE: Tuesday Meet

Hi all,

I've been in Boise all day for a meeting. I just returned. I will not be available tomorrow at 1:00 as I have an appointment. I could meet any time before that.

Thanks,

Diane Green
Lands Resource Specialist
Idaho Department of Lands
Payette Lakes Area
555 Deinhard Lane
McCall, Idaho 83638
208-634-7125 office
208-634-5117 fax
dgreen@idl.idaho.gov

From: Falk, John [mailto:John.Falk@idwr.idaho.gov]
Sent: Monday, April 16, 2012 6:09 PM
To: Kelsie Baldwin
Cc: Diane Green
Subject: RE: Tuesday Meet

Kelsie, it probably will be around 1:00 pm.
I'll call before I leave Boise, to give you a heads-up.
Sorry I can't be more definite; I just returned from the Twin Falls areas and trying to put out fires.

After turning East on Lake Fork Road, what do I look for? Thanks --jf

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Kelsie Baldwin [mailto:kelsiebaldwin@hotmail.com]
Sent: Monday, April 16, 2012 2:48 PM
To: Diane Green; Falk, John
Subject: Tuesday Meet

Hi John, I wanted to check in with you and see what time you thought you would be available tomorrow? Both Ryan and I are flexible tomorrow, so pick a time that is best for you and we will be here or if it is easiest to call shortly before you

are coming, that is fine too.

Kelsie Cell- 208-630-4305

Ryan Cell- 208-634-5268

Thanks!

Kelsie

Falk, John

From: Falk, John
Sent: Friday, April 13, 2012 1:52 PM
To: 'Kelsie Baldwin'

Kelsie, link to Water Rights section. Hope this helps answer your questions.

<http://www.idwr.idaho.gov/WaterManagement/default.htm>

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

Falk, John

From: Diane Green [DGreen@idl.idaho.gov]
Sent: Friday, April 13, 2012 1:09 PM
To: Falk, John; Kelsie Baldwin
Cc: jan.webster@swc.idaho.gov; Scott Marshall; Scott Corkill; Rick Sheldon
Subject: RE: broken dam
Attachments: 4-13-12 018.jpg; 4-13-12 013.jpg; 4-13-12 014.jpg

Hi John,

Here are some photos I took this morning. These are of the temporary dam in place now. I have spoken to IDL's engineer, he has reviewed the photos and suggests that the operator contact IDWR. I have called (left a message) for the operator/former landowner to call and discuss the issue with you. If it is determined from your conversation that IDWR **does not** need to be involved then IDL will ensure Idaho BMP's for mining are followed. If IDWR is needed, please let me know.

Kelsie thought you may be headed this direction next week to take a look at site. Please let me know if you are and I will try to make myself available.

I have many more pictures if you would like to see them. If you have a request for a certain area of the pond I am happy to send them your way.

Best Regards,

Diane Green
Lands Resource Specialist
Idaho Department of Lands
Payette Lakes Area
555 Deinhard Lane
McCall, Idaho 83638
208-634-7125 office
208-634-5117 fax
dgreen@idl.idaho.gov

From: Falk, John [<mailto:John.Falk@idwr.idaho.gov>]
Sent: Friday, April 13, 2012 12:09 PM
To: Kelsie Baldwin
Cc: jan.webster@swc.idaho.gov; Diane Green
Subject: RE: broken dam

Kelsie, received the photos.

Unfortunately, I can't really get an accurate sense of dam height from the photos, but it appears that it may be pushing the 10-foot high threshold that would cause it to be included for regulation by the state's (IDWR) dam safety program (§42.1709-1721).

I understand that it is the previous property owner (not you) who is responsible for reclamation of this former quarry site. I spoke briefly w/ Ms. Green who indicated that she is going to consult her staff regarding the specific site reclamation requirements, construction standards, procedures, etc. and offer their recommended course of action. It



Falk, John

From: Falk, John
Sent: Friday, April 13, 2012 12:29 PM
To: Westra, John; Keen, Shelley
Cc: Peppersack, Jeff
Subject: FW: broken dam
Attachments: Lake Fork Dam.docx; Lake Fork Topo.jpg; DSC_0637.JPG; DSC_0642.JPG

FYI

Advise waiting until IDL offers their report/recommendation.

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Falk, John
Sent: Friday, April 13, 2012 12:09 PM
To: 'Kelsie Baldwin'
Cc: 'jan.webster@swc.idaho.gov'; 'dgreen@idl.idaho.gov'
Subject: RE: broken dam

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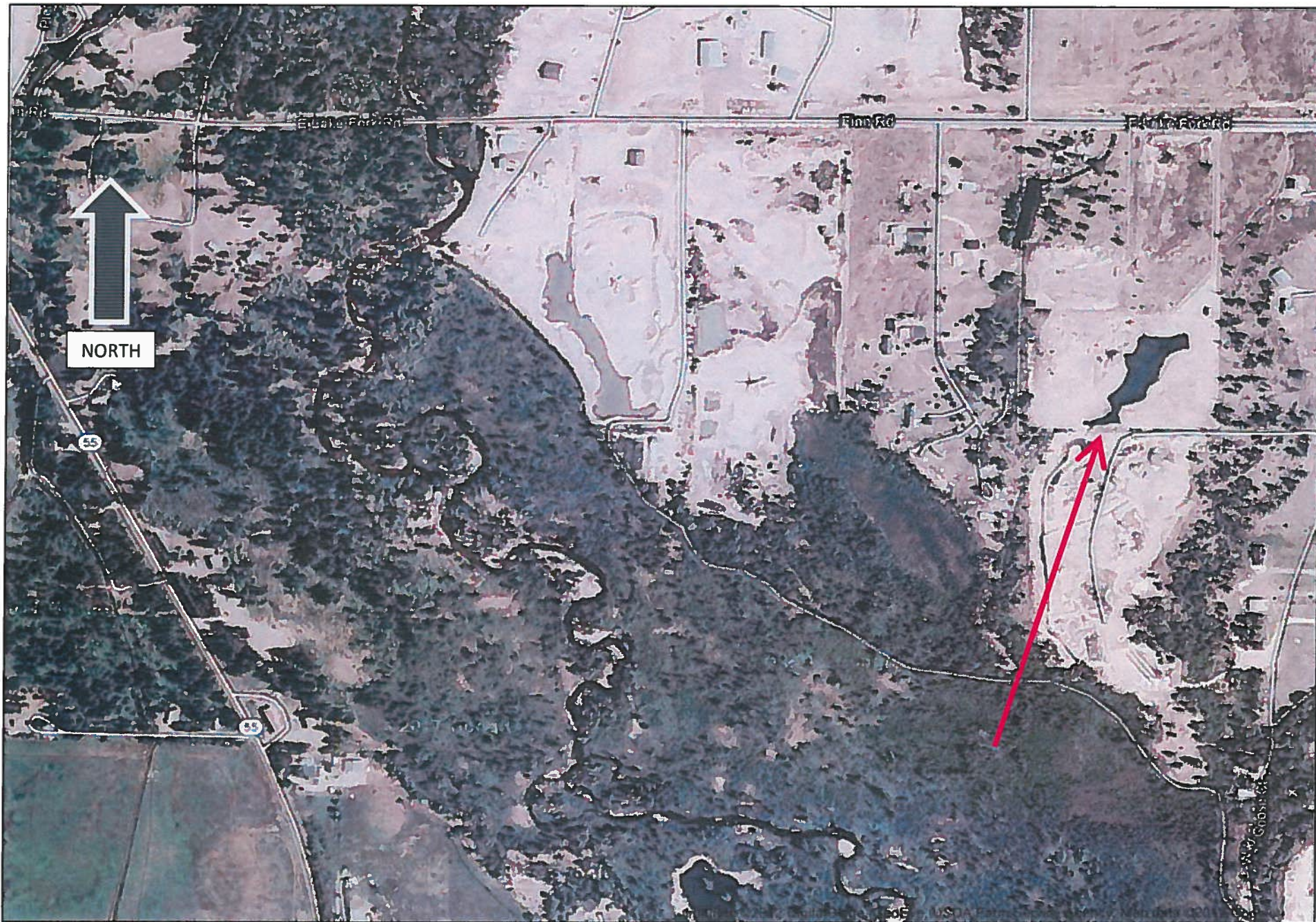
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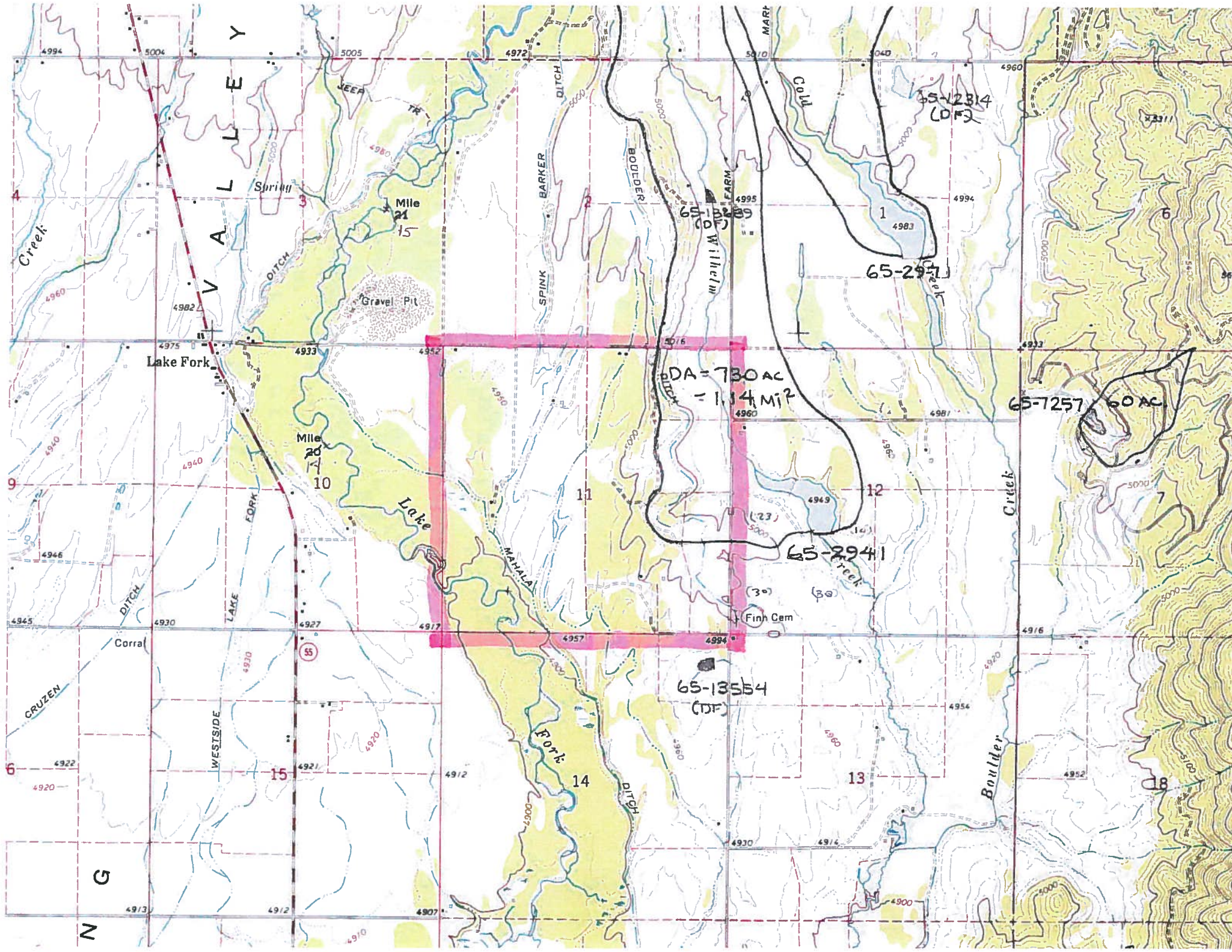
Just so you are aware:

Regardless the final height of the dam, if the pre-existing structure/reservoir did not have a valid water right and you choose to rebuild the impoundment, it is you (not the prior owner) who likely will be responsible for any and all future requirements associated with obtaining a water right, or exemption, for this pond.

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Kelsie Baldwin [<mailto:kelsiebaldwin@hotmail.com>]
Sent: Friday, April 13, 2012 8:46 AM







Falk, John

From: Kelsie Baldwin [kelsiebaldwin@hotmail.com]
Sent: Friday, April 13, 2012 8:46 AM
To: Falk, John
Subject: RE: broken dam
Attachments: DSC_0627.JPG; DSC_0628.JPG; DSC_0629.JPG; DSC_0630.JPG; DSC_0637.JPG; DSC_0642.JPG; DSC_0644.JPG

Hi John, sorry for the delay. Here are some photos of the pond after the blow out. Dianne is going to send over a picture of the dam end of the pond from last July and I will forward it to you for reference. If you have any questions, please give me a call (208) 630-4305.

We really appreciate your help with all of this!

Kelsie

Subject: FW: broken dam
Date: Thu, 12 Apr 2012 10:06:18 -0600
From: John.Falk@idwr.idaho.gov
To: kelsiebaldwin@hotmail.com

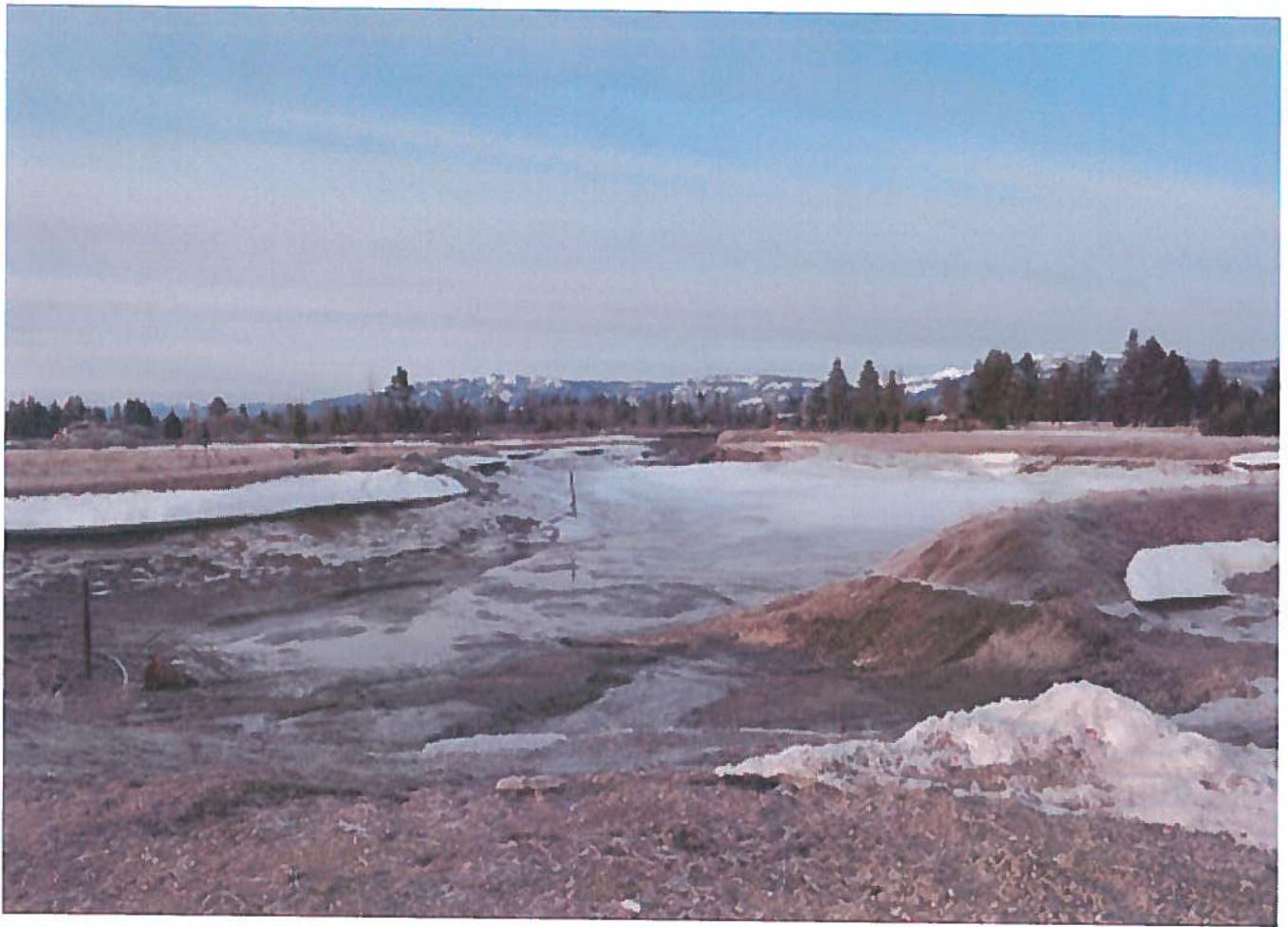
John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Falk, John
Sent: Wednesday, April 11, 2012 4:32 PM
To: 'kelsiebaldwin@hotmail.com'
Cc: 'jan.webster@swc.idaho.gov'
Subject: broken dam

Ms. Baldwin,
Sorry for the delay....please take a look at the aerial photo and let me know if any of these impoundments fit the location you described on the phone. We at IDWR have no record for any of these dams; probably because they are associated with an active gravel quarry.

However, if the dams are to remain after/as part of the site reclamation, then they would likely need to obtain a Water Right Permit (i.e. one must have a permit to appropriate water regardless its source). In addition, any hydraulic structure greater than or equal to 10 feet height or 50 acre-feet reservoir storage must file an *Application To Construct* prior to building the dam. Thanks --jf

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927









Falk, John

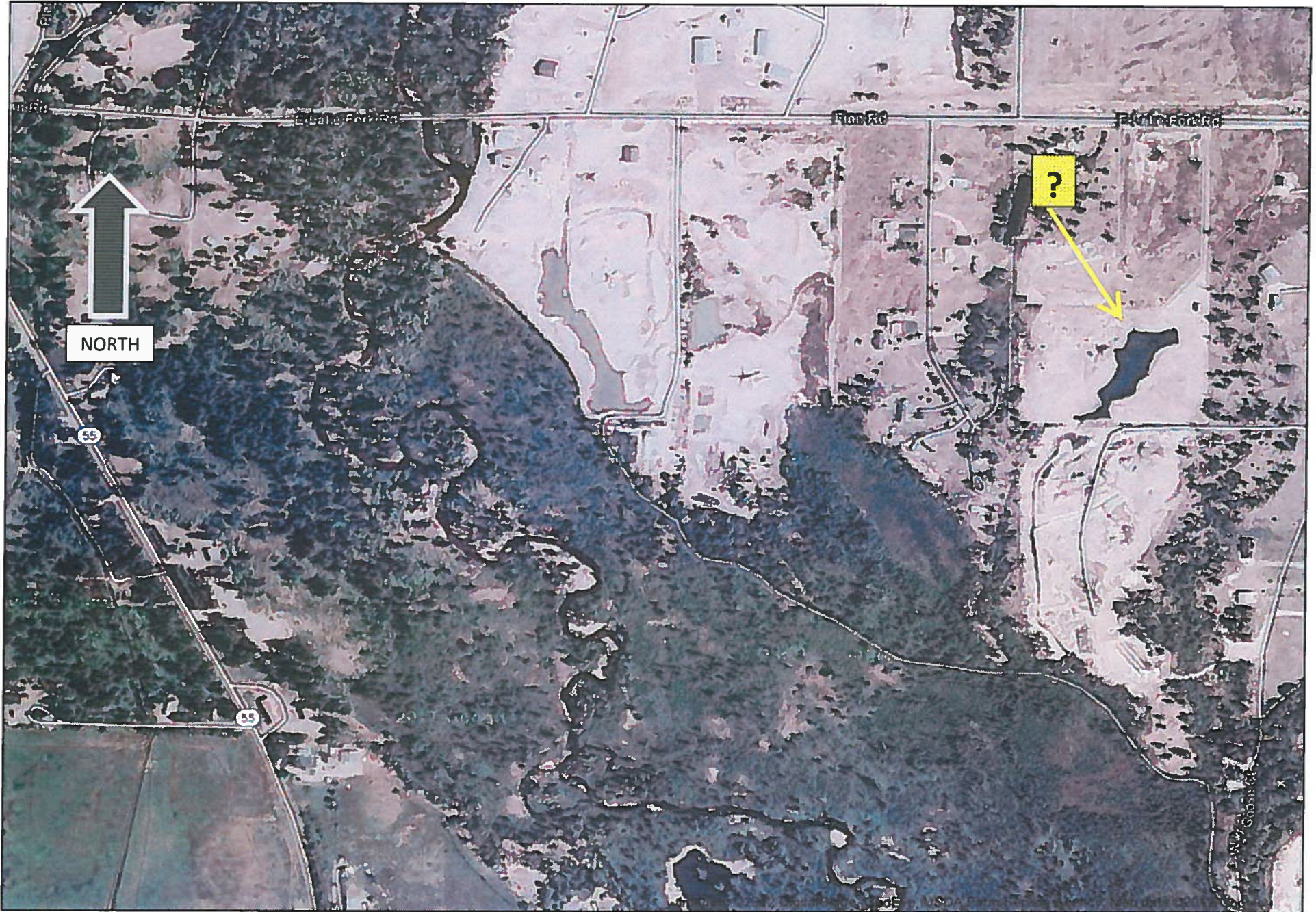
From: Falk, John
Sent: Wednesday, April 11, 2012 4:32 PM
To: 'kelsibaldwin@hotmail.com'
Cc: 'jan.webster@swc.idaho.gov'
Subject: broken dam
Attachments: Lake Fork Dam.docx

Ms. Baldwin,

Sorry for the delay....please take a look at the aerial photo and let me know if any of these impoundments fit the location you described on the phone. We at IDWR have no record for any of these dams; probably because they are associated with an active gravel quarry.

However, if the dams are to remain after/as part of the site reclamation, then they would likely need to obtain a Water Right Permit (i.e. one must have a permit to appropriate water regardless its source). In addition, any hydraulic structure greater than or equal to 10 feet height or 50 acre-feet reservoir storage must file an *Application To Construct* prior to building the dam. Thanks --jf

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927



Falk, John

From: Falk, John
Sent: Saturday, April 11, 2015 5:10 PM
To: 'Kelsie Baldwin'
Cc: 'Diane Green'
Subject: RE: Quarry Pond
Attachments: Application-Final(2012).pdf

Hi Kelsie,

After reviewing your permit, I understand you are allowed one (1) pond w/maximum storage capacity equal to 12 acre-feet.

The permit also states that your pond will be excavated; from that, I understand to mean that the pond level at all locations will be completely below the ground surface.

- 1) If the pond is *totally* excavated below the ground surface, then you do not need anything from the dam safety side of things....nothing.
- 2) However, if the pool is formed by an artificial barrier of any kind/variety (i.e. dam) anywhere around the perimeter of the pond, then a couple of things need to be confirmed and resolved:
 - a. Is the dam height equal to or greater than ten (10) feet? [Height is the vertical distance from the water surface (at full pool) to the downstream toe of the dam]

If "Yes" to 2a, then your dam must be constructed according to standards prescribed by State Rule (IDAPA 37.03.06). The first step is verify exactly what you want and/or intend to construct. If the answer to the height question still is "yes", then you will need to submit an "Application to Construct an Dam". A copy is attached for you to look over. I can help walk you through this, but you first need to decide *exactly what you want and how big you want your dam to be*.

If "No" to 2a, then your dam is considered exempt from dam safety regulation and you do not need anything else from IDWR with regard to dam design or construction....nothing.

But (there always is one), please note that Idaho Department of Lands may have certain reclamation requirements that must be met with regard to the former quarry. Please check with IDL to make sure they are happy, too.

Please let me know if you have any questions. --jf

From: Kelsie Baldwin [mailto:kelsiebaldwin@hotmail.com]
Sent: Friday, April 10, 2015 9:25 AM
To: Falk, John
Subject: Re: Tuesday Meet

Thanks!

Kelsie

Sent from my iPhone

On Apr 10, 2015, at 8:15 AM, "Falk, John" <John.Falk@idwr.idaho.gov> wrote:

Oh yes, sure do!

Glad you were able to get your water right squared away.

Please allow me to review the Permit so I know how big/how much storage you intend.

If you recall, it is those dimensions that will impact heavily what is required for design and construction.
--jf

From: Kelsie Baldwin [<mailto:kelsiebaldwin@hotmail.com>]

Sent: Wednesday, April 08, 2015 1:18 PM

To: Kelsie Baldwin

Cc: Falk, John

Subject: RE: Tuesday Meet

John, Im not sure that you will remember our project here in McCall, as we have been working on obtaining water rights for 2 yrs and have finally accomplished it! We are ready to speak with you about getting direction on building a proper damn to IDWR specs.

Please let me know what we need to do to finally get moving on this project.

Thanks,

Kelsie Baldwin

WR Permit No. 65-23543

From: kelsiebaldwin@hotmail.com

To: dgreen@idl.idaho.gov

CC: john.falk@idwr.idaho.gov; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov

Subject: RE: Tuesday Meet

Date: Wed, 18 Apr 2012 16:00:34 -0600

Hi Diane, Attached are some pics of the temp damn from early afternoon today. We went and looked at it first thing this morning and it was spilling over and slightly eroded, by this afternoon it was much worse. I would assume it won't last much longer if we continue to get heavy rain and/or run off.

Thanks for sending over the acre feet info, I haven't looked at it yet, so if I have any questions I will give you a call tomorrow.

I will send a seperate email shortly asking for the info on the rec plan.

Thank you for sending everything over so quickly! Good luck with your surgery and I will just plan on CCing everyone on future emails to keep everyone in the loop!

Kelsie

Subject: RE: Tuesday Meet

Date: Wed, 18 Apr 2012 14:59:05 -0600

From: DGreen@idl.idaho.gov

To: kelsiebaldwin@hotmail.com

CC: John.Falk@idwr.idaho.gov; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov

Hi Kelise, What does the pond look like with the rain last night and today? Is the intended spillway working? I am assuming the water may have reached the point of spilling.....please let me know.

I have attached the reclamation plan.

IDL requires a public records request for information that goes out the door. Just send me an email stating that you have a public records inquiry requesting the reclamation plan in Rod Kessler's name that is adjacent to your property as he has several rec plans in place.

I will send the rest of the information in a bit as I was looking at a web site that had the acreage calculations – might take a minute to find it again. John may have some information also on the calculations.

FYI – I will be having shoulder surgery next Wednesday so will be out of the office for a bit. It may be a week before I get back to work. Just wanted to give you a heads up. Scott Corkill and Rick Sheldon are aware of the situation so should be able to help out in my absence.

Thanks,

Diane Green
Lands Resource Specialist
Idaho Department of Lands
Payette Lakes Area
555 Deinhard Lane
McCall, Idaho 83638
208-634-7125 office
208-634-5117 fax
dgreen@idl.idaho.gov

From: Kelsie Baldwin [<mailto:kelsiebaldwin@hotmail.com>]

Sent: Wednesday, April 18, 2012 12:37 PM

To: Diane Green

Subject: RE: Tuesday Meet

Hi Diane, can you send me over the acre ft information for the pond and any other information you may have on the amount of water the pond holds and water entering the pond. I need it for the water rights permit.

After using the level yesterday it was clear that the damn height will easily be over 10ft. John is waiting on us to send in the water rights application and will then put together a design. Would you mind sending a copy of the reclamation plan to John and myself. I have misplaced the pages with the drawing, description and letter from Rod. Also, when you have time will you pull out a Rod Kesslers reclamation plan so we can see how his pond is suppose to be laid out, as it will effect the design of a new damn.

Thanks again for coming out yesterday.

Kelsie

Subject: RE: Tuesday Meet
Date: Tue, 17 Apr 2012 07:42:19 -0600
From: DGreen@idl.idaho.gov
To: John.Falk@idwr.idaho.gov
CC: kelsiebaldwin@hotmail.com
Great – I just got off the phone with the operator, he will be there also.

Diane

From: Falk, John [<mailto:John.Falk@idwr.idaho.gov>]
Sent: Tuesday, April 17, 2012 7:38 AM
To: Diane Green
Cc: Kelsie Baldwin
Subject: RE: Tuesday Meet

Great, I've cc'd Ms. Brown so she is aware of the changed time.
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John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

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Subject: RE: Tuesday Meet

Noon would work for me. Thank you. Please drive safe.

Diane

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To: Diane Green; Kelsie Baldwin
Subject: RE: Tuesday Meet

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John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Diane Green [<mailto:DGreen@idl.idaho.gov>]
Sent: Monday, April 16, 2012 7:01 PM
To: Falk, John; Kelsie Baldwin
Subject: RE: Tuesday Meet

Hi all,

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Thanks,

Diane Green
Lands Resource Specialist
Idaho Department of Lands
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To: Kelsie Baldwin
Cc: Diane Green
Subject: RE: Tuesday Meet

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Sent: Monday, April 16, 2012 2:48 PM
To: Diane Green; Falk, John
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Hi John, I wanted to check in with you and see what time you thought you would be available tomorrow? Both Ryan and I are flexible tomorrow, so pick a time that is best for you and we will be here or if it is easiest to call shortly before you are coming, that is fine too.

Kelsie Cell- 208-630-4305
Ryan Cell- 208-634-5268

Thanks!

Kelsie

Subject: RE: broken dam

Date: Fri, 13 Apr 2012 13:08:58 -0600

From: DGreen@idl.idaho.gov

To: John.Falk@idwr.idaho.gov; kelsiebaldwin@hotmail.com

CC: jan.webster@swc.idaho.gov; SMarshall@idl.idaho.gov; scorkill@idl.idaho.gov; rsheldon@idl.idaho.gov
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Kelsie thought you may be headed this direction next week to take a look at site. Please let me know if you are and I will try to make myself available.

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Sent: Friday, April 13, 2012 12:09 PM

To: Kelsie Baldwin

Cc: jan.webster@swc.idaho.gov; Diane Green

Subject: RE: broken dam

Kelsie, received the photos.

Unfortunately, I can't really get an accurate sense of dam height from the photos, but it appears that it may be pushing the 10-foot high threshold that would cause it to be included for regulation by the state's (IDWR) dam safety program (§42.1709-1721).

I understand that it is the previous property owner (not you) who is responsible for reclamation of this former quarry site. I spoke briefly w/ Ms. Green who indicated that she is going to consult her staff regarding the specific site reclamation requirements, construction standards, procedures, etc. and offer their recommended course of action. It is likely that the dam safety program will not get involved with reconstruction of this dam unless it clearly exceeds a ten-foot height. In the meantime, appreciate your patience until I hear back from Ms. Green.

Just so you are aware:

Regardless the final height of the dam, if the pre-existing structure did not have a valid water right and you chose to rebuild the impoundment, it is you (not the prior owner) who will be responsible for any and all future requirements associated with obtaining a water right, or exemption, for this pond.

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Kelsie Baldwin [<mailto:kelsiebaldwin@hotmail.com>]
Sent: Friday, April 13, 2012 8:46 AM
To: Falk, John
Subject: RE: broken dam

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We really appreciate your help with all of this!

Kelsie

Subject: FW: broken dam
Date: Thu, 12 Apr 2012 10:06:18 -0600
From: John.Falk@idwr.idaho.gov
To: kelsiebaldwin@hotmail.com

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720
(208) 287-4927

From: Falk, John
Sent: Wednesday, April 11, 2012 4:32 PM
To: 'kelsiebaldwin@hotmail.com'
Cc: 'jan.webster@swc.idaho.gov'
Subject: broken dam

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However, if the dams are to remain after/as part of the site reclamation, then they would likely need to obtain a Water Right Permit (i.e. one must have a permit to appropriate water regardless its source). In addition, any hydraulic structure greater than or equal to 10 feet height or 50 acre-feet reservoir storage must file an *Application To Construct* prior to building the dam. Thanks --jf

John Falk, PE
IDWR Dam Safety
322 E. Front Street
Boise, ID 83720

Falk, John

From: Walker, Kay [Kay.Walker@idwr.idaho.gov]
Sent: Thursday, October 30, 2014 12:02 PM
To: Diane Green
Cc: Walker, Kay
Subject: Application 65-23543

Diane:

Pursuant to our phone conversation this morning regarding the above application for permit I offer the following:
Between SPF Water Engineering and IDWR review, it was determined that there is no dam involved with this development. The system is an excavated pond that is approximately 8 feet deep.

Let me know if you need more information. I can send you a copy of their most recent amended application if you want.

Thanks,

Kay Walker

Sr. Water Resource Agent

334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

Ext: 108
Kay Walker

August 29, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Ryan & Kelsie Baldwin
PO Box 2022
McCall ID 83638

RE: Application for Permit 65-23543

Dear Applicants:

You filed an application for permit for a new consumptive use for an existing pond developed from shallow ground water &/or springs near Lake Fork Creek. The pond is located between the Mahala and Spink-Barker ditches and will hold about 26 acre feet of water. The proposed source is presumed to be tributary to the creek. The creek is managed by the Lake Fork Creek Watermaster, Mr. John Leedom.

Based on information available to the Idaho Department of Water Resources (IDWR), all the water in that system is allocated to existing water rights. Water is not available from this source, regardless if it is shallow ground water or springs, for a new consumptive use water right.

Please consider the following options for your situation.

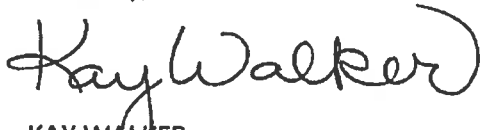
1. Withdraw the application using the enclosed form.
2. Submit credible data documenting that additional water is available from the source demonstrating that the source is not hydraulically connected to the creek.
3. Submit a credible mitigation plan regarding your proposed development. This can include but is not limited to an application for transfer to change an existing water right. A transfer application could replace your application or could be filed in addition to your application. This option could include a change to an irrigation water right held by a delivery organization diverting from Lake Fork Creek. Changes to water rights held by a delivery organization must be made by that entity instead of by a shareholder within the organization.

We have enclosed a list of consultants that may be helpful in responding to this request. The previous property owner was sent this letter when he filed for storage in the pond and he never responded to our request, as listed above, and the application was voided.

Please submit the requested information within the next 30 days. You may seek additional time to provide the information by making a written request to hold the applications for up to six months. Your response or a request for more time to seek the information must be received on or before September 30, 2013. Failure to make a timely response will cause your application to be voided. A refund of the application fee cannot be issued for a voided application.

More information about water rights and other matters administered by IDWR is available on the Internet at www.idwr.idaho.gov. Please feel free to contact this office at (208)334-2190 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive style with a large, looping "K" and a trailing flourish.

KAY WALKER

Sr. Water Resource Agent

KW:k

Enclosure



Dam Safety Section

TRIP REPORT

TO: Sonny Hornbaker
CC: John Westra, Jeff Peppersack
FROM: John Falk, PE
DATE: April 17, 2012
SUBJECT: Basin 65 - Complaint Investigation
Dam Failure @ Former Lake Fork Quarry

On Tuesday April 17, 2009 I visited the referenced site located in NWNW Section 11, T17S, R3E Valley County (photo 1). The purpose for the visit was in response to a telephone call received from Jan Webster at the Soil Water Conservation District who relayed to me a notice from Kelsie and Ryan Baldwin regarding the weekend failure of an impoundment located on their property. Before visiting the site I learned that the Baldwin's property consists of a ten-acre parcel on lands partially reclaimed from a previous quarry operation. Site reclamation is being regulated by Idaho Department of Lands (IDL); the contact person is Diane Green (208) 634-7125. I understand the Baldwin's purchased the property from the quarry operator, Mr. Faron Gilbert, prior to his completion of site reclamation and final approval by IDL. I met the above named individuals on site around noontime.

The weather was clear, cool, and windy; the ground was wet from previous days' rain. Located near the south border of the Baldwin's property was a small, sand-fill berm approximately 7-8' above the adjacent ground surface (Photo 2-3). Reportedly, this existing structure was hastily built by Mr. Gilbert following the overtopping failure of the former dam. Immediately downstream from the berm is located an active quarry. The height of the existing structure and perceived Low hazard classification would exempt the re-built barrier from IDWR dam safety regulation. However, the Baldwin's stated that they want to rebuild the dam to its former height to restore the size/depth of the reservoir that existed on the property when they initially purchased it from Mr. Gilbert (pre-failure conditions). Based on site measurements, the original hydraulic height was estimated to exceed 10 feet.

IDWR's requirements for obtaining both a water right and approval to construct a dam were explained to all of the individuals. Ms. Baldwin indicated that she would begin efforts to file the necessary applications. I understand IDL will not approve/accept final reclamation of the site until Mr. Gilbert has satisfied all of the requirements per Idaho's Surface Mining Act (Title 47, Chapter 15). In addition, it is Mr. Gilbert who apparently will be responsible for rebuilding the dam to resemble its original height and reservoir storage capacity.

It is important to note that the site conditions generally are unfavorable for construction of a dam of substantial height/ head due to the presence of porous alluvial materials observed at the abutments and in the foundation, and the relatively high ground water table. However, a low head dam likely can be constructed using local fill materials provided there is sufficient embankment width to prevent internal erosion/ piping, and making certain to include an appropriately sized and hardened overflow spillway to prevent erosion of the embankment during peak flows or periods of sustained runoff. Additional photographs can be viewed:
[N:\DamSafety\DIGITAL PHOTO GALLERY-All Dams\Basin 65 - Lake Fork Quarry Dam](#)

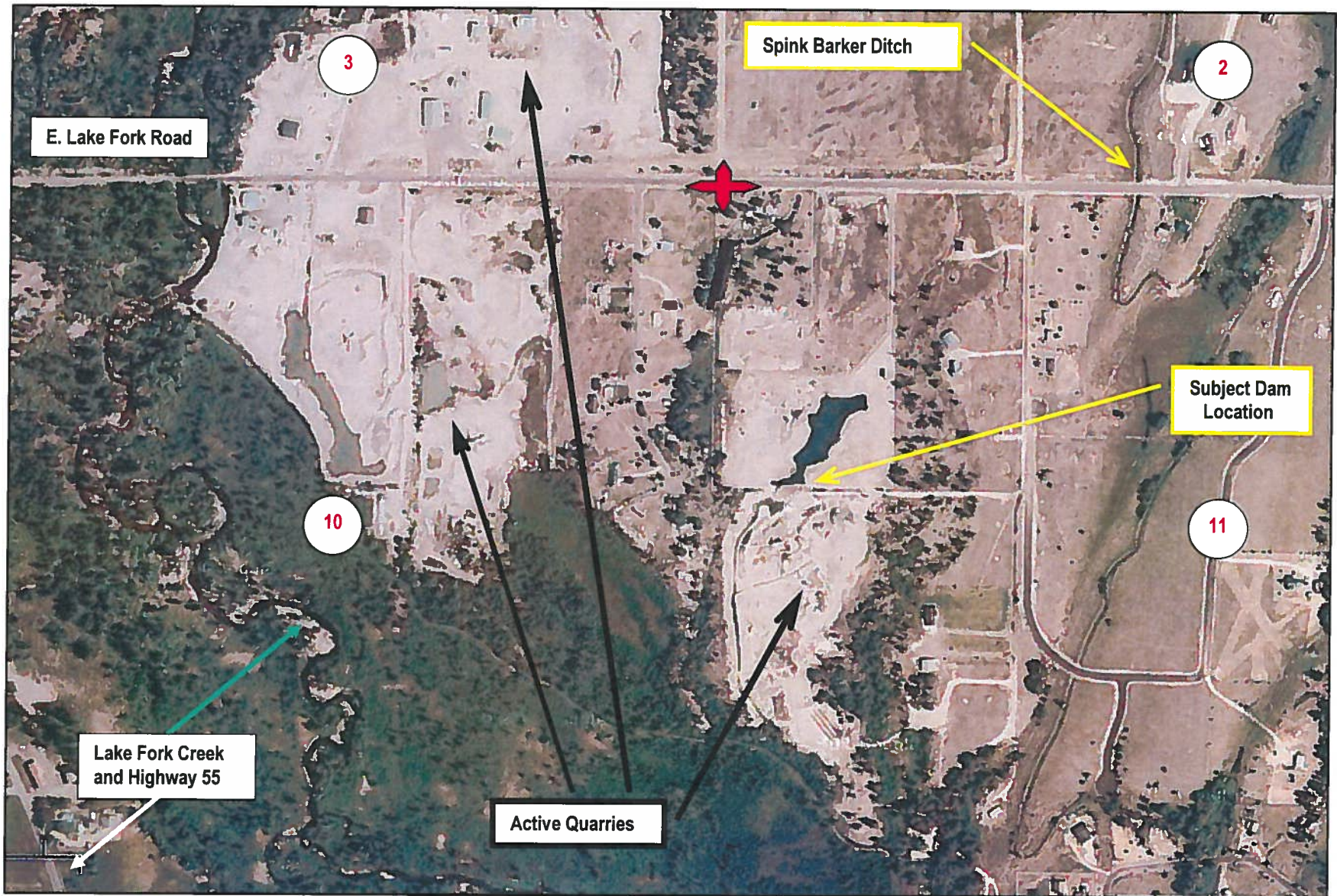


Photo 1 (Google Maps-Unknown Date) - Aerial view of subject pond prior to dam breach that occurred on or about 4/15/12. Note the numbers of active quarries in the vicinity, and the location of Spink Barker Ditch. The ground slope is generally to the southwest toward Lake Fork Creek, but the original drainage patterns have been significantly altered as a result of sand and gravel mining.



Photo 2 (4/17/12) - View looking upstream at the temporary 7-8' tall barrier constructed ~100 feet upstream from the failed dam location. Note the saturated zone (dashed line) and leaking water near the base of the sand embankment.



Photo 3 - View is looking east along the approximate south line of the Baldwin's property. Shown left is the new barrier; on the right (out of view) is the neighbor's active quarry.



Photo 4 (4/17/12) - Downstream view from right abutment of temporary berm. Note the thick accumulation of sediment that reportedly was washed from the dam failure.

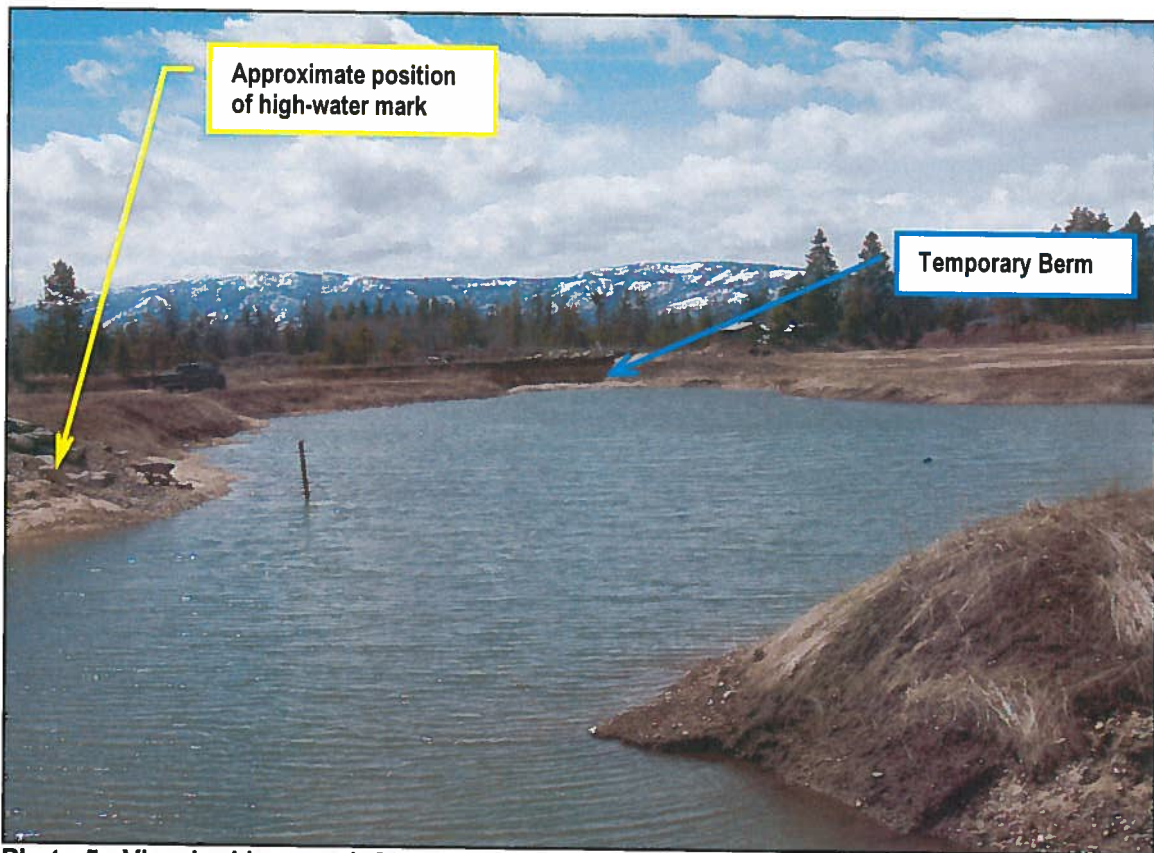


Photo 5 - View looking south from the upper end of the pond. Note the approximate high water mark created by the previous reservoir. In the background is the location of the temporary berm shown in the photos above.



#1100 - JAS - RING
IDAHO DEPARTMENT OF LANDS
954 W. Jefferson Street
Boise, Idaho 83720
Telephone: (208) 334-0231

APPLICATION FOR RECLAMATION PLAN APPROVAL

GENERAL INFORMATION

The Idaho Surface Mining Act, Idaho Code title 47, chapter 15, requires an operator of a surface mining operation to obtain an approved reclamation plan and bond. There is no fee required.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of the agency(ies) involved.

After the mine plan has been finalized, five (5) copies of this application must be submitted to the Idaho Department of Lands, Bureau of Minerals, at the above address. When the department receives an application, the appropriate federal or state agency(ies) will be notified of said application. Weather permitting, the department shall deliver to the operator within sixty (60) days after the receipt of any reclamation plan or amended plan, the notice of rejection or notice of approval of said plan.

All reclamation plan applications will be processed in accordance with Section 70 of the Administrative Rules Governing Exploration and Surface Mining Operations in Idaho and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Faron Gilbert d/b/a: _____
2. ADDRESS: 45 E. LAKEFORK PL.
CITY, STATE, ZIP CODE: McCall, Idaho 83638
3. TELEPHONE: hm (208) 634-0546 cell - (208) 634-9555
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')

5. PROOF OF QUALIFICATION: If applicant is a business, please attach proof of qualification with the State of Idaho, Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
NW1/4 of Section 11, Township 17N, Range 3 - LOT 4A
7. ACREAGE: 10.002 Ac.
8. COUNTY(ies): Valley (Include map outlined on page 2, item number 12.)
9. OWNERSHIP: (check applicable)
☒ Private ☐ U.S. Forest Service ☐ Bureau of Land Management ☐ Idaho Department of Lands
10. COMMODITY TYPE, DURATION OF OPERATION, PROPOSED START-UP DATE: Sand & rock - commodity
Duration 3 yrs MAX, START UP - 2007

11. Please provide the following maps of your mining operation (Section 070.03):
- A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
 - A site map which adequately shows the location of existing roads, access roads, and main haul roads, which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction and abandonment. (Section 070.03.a)
 - On a site location map show the location and names, if known, of all streams, creeks or bodies of water within 1,000 feet of the surface mining operation.
 - On a site location map show the approximate boundaries and acreage of the lands that will become affected by the mining operation. This map must be of adequate scale for boundary identification.
 - On a site location map show the approximate boundaries and acreage of the lands that will become affected by the mining operations during the first year of operations.
 - On a site location map show the planned location of all tailings ponds and ancillary structures associated with the mining operation.
 - On a site location map show the planned configuration of all pits, mineral stockpiles and overburden piles which will be developed by the mining operation.
 - Develop a surface and mineral control or ownership map of appropriate scale for boundary identification.
 - Develop scaled cross-sections of the mine showing surface profiles prior to mining at maximum disturbance and after reclamation.
12. A reclamation plan must be developed and submitted in map and narrative form (Section 070.04). The reclamation plan must include the following information:
- On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands
 - On a site map show which roads will be reclaimed, the approximate dates for reclamation, and describe the reclamation to be accomplished.
 - Develop a revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area, identify the type of soil to be replaced, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
 - Describe and show how tailings or sediment ponds will be reclaimed.
 - Estimate the actual cost of reclamation which includes the cost for equipment mobilization, regrading, seed, fertilizer, mulch, labor and any other pertinent costs.

APPLICANT SIGNATURE: Farrukh

DATE 7-18-07

Scaled Cross Section

2 Acre Pond - Top

Side Slopes 2 to 1

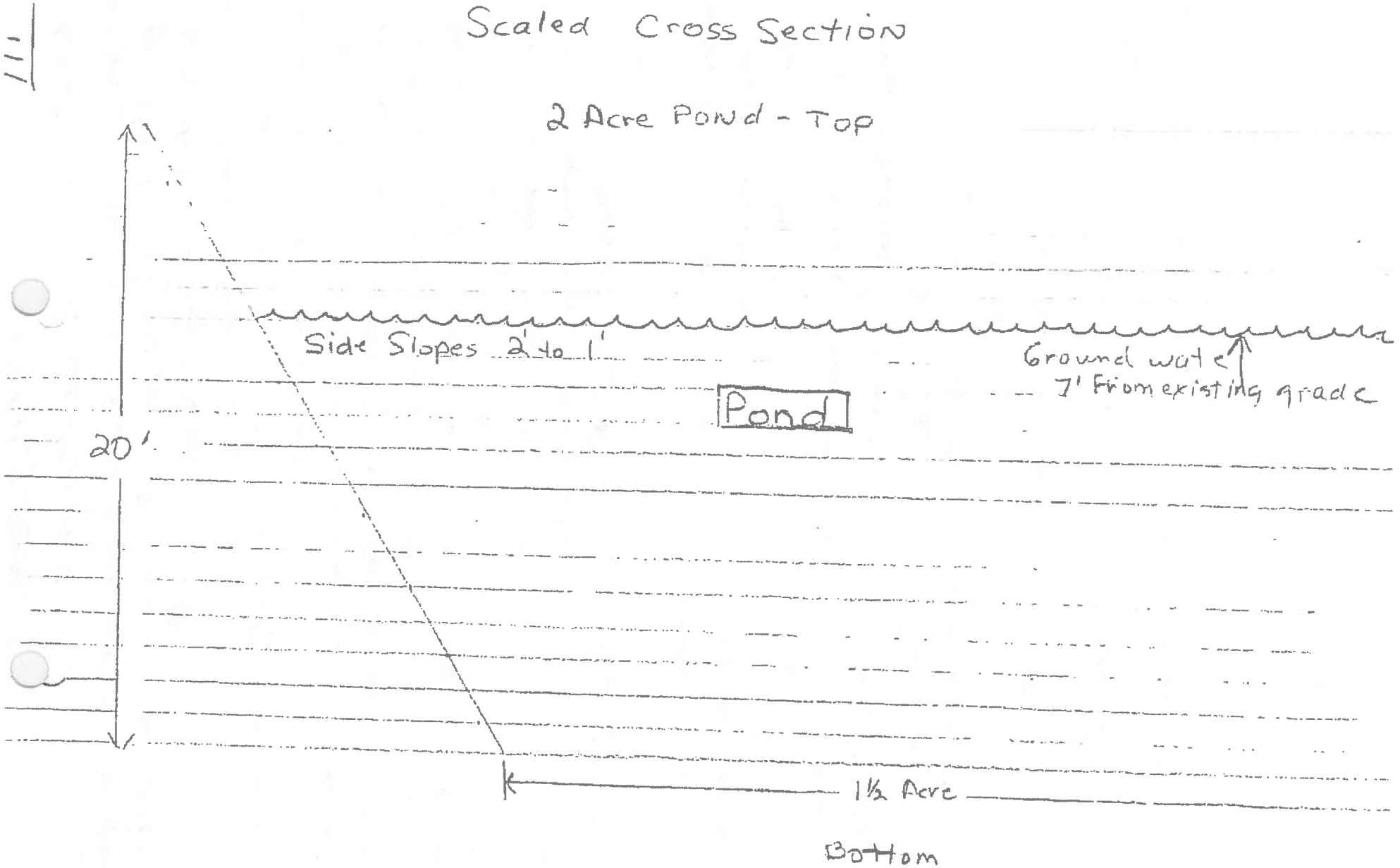
Ground water ↑
7' from existing grade

Pond

20'

1 1/2 Acre

Bottom



Operation & Source

Reclamation estimate cost - \$30,000⁰⁰

12a. The drainage of sediment laden waters will first go into a sediment pond - **A** - the clear water will then flow into Rod Kesslers Pond **B**

12b. all roads remain open

12c. Top soil will be stored in berms **C** - that will be seeded with pasture grass seed at 16 lb. per acre to minimise erosion. Noxious weeds will be controlled during operations. The top soil will be spread uniformly back across pond banks and be seeded with pasture grass seed (16 lb per acre) with a seed spreader in the spring & fall (if necessary). We have a water truck to insure seeds & seedlings have enough moisture to grow.

12d. The sediment pond, when project is finished, will join in with Kesslers Pond **B** & become part of the whole pond.

Excavation will start in southern middle section of property and work to the south - the fences will remain during operations.

The access road **D** runs from pond **E** to E. Lake Fork Road - the access road is constructed of recycled asphalt to minimise dust - product (commodity) will be delivered to 45 E. Lake Fork Rd. - 1/4 mile to the west on Lake Fork Rd.

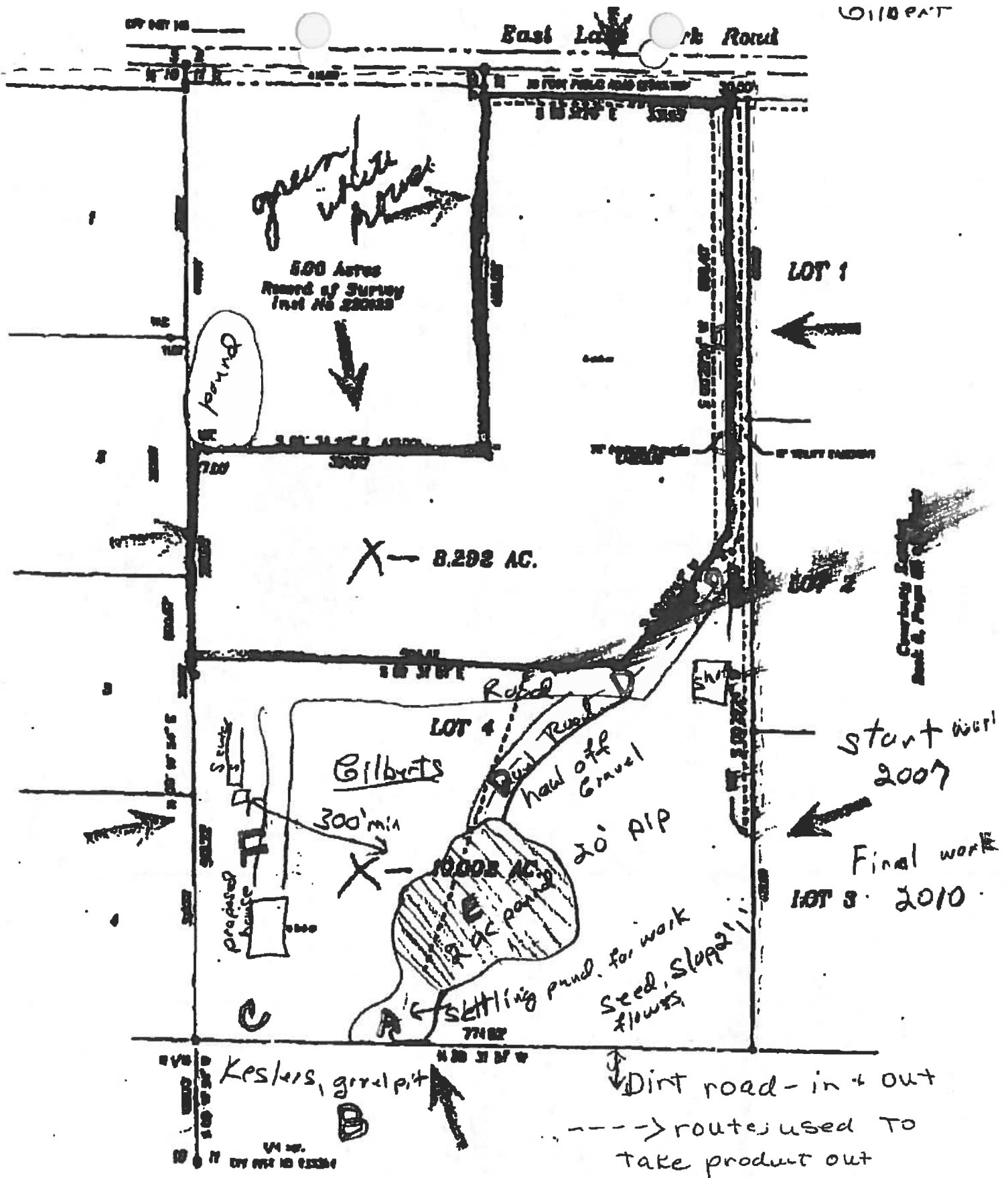
No products will be stored on site (except top soil) 12c)

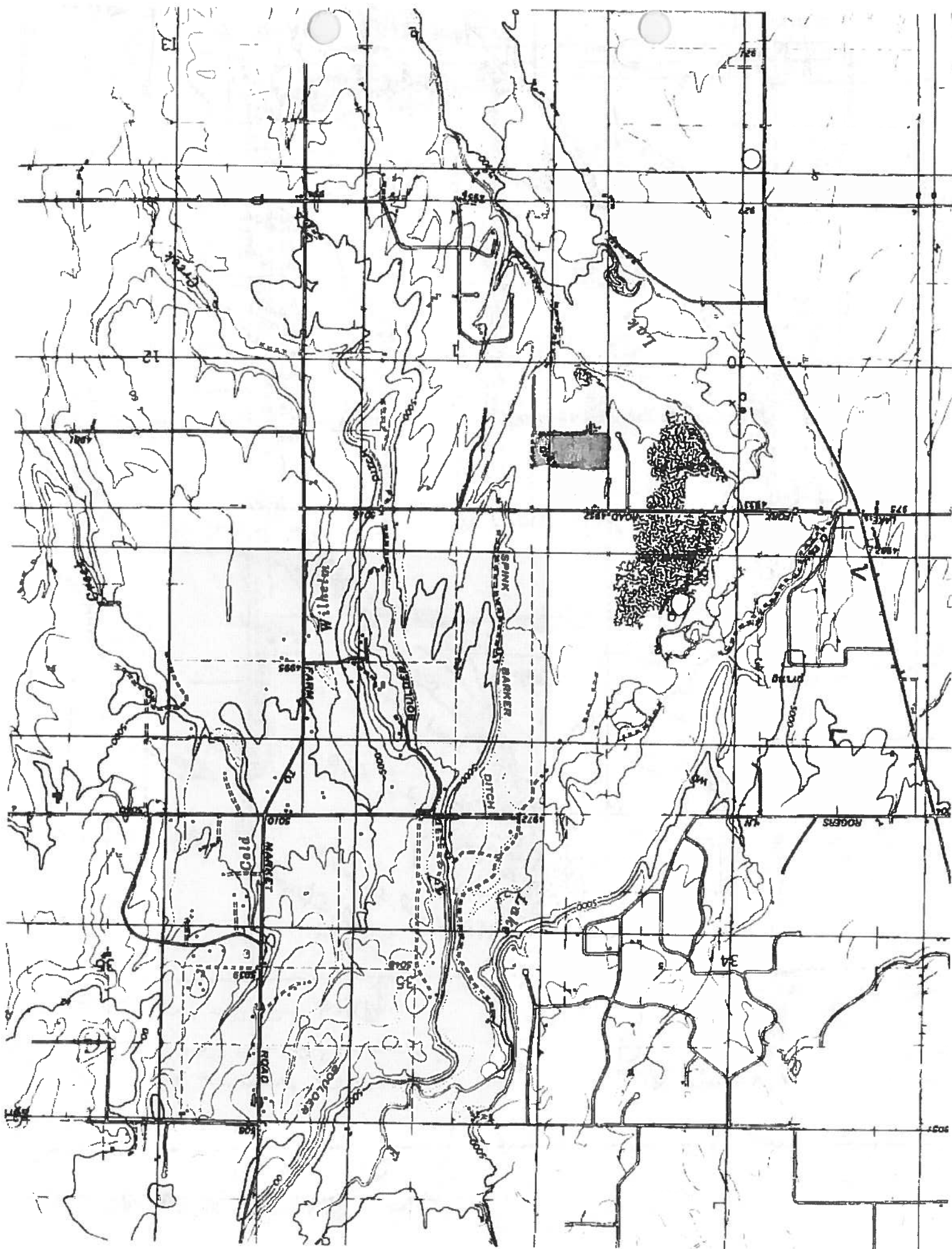
The proposed house site w/sewer on map **F**

When project is finished - there will be a lovely 2 acre pond.

Thank You,

Tam 





***Highmark Properties LLC
13801 Stewart Court
McCall, ID 83638***

August 2, 2007

Mr. Jasen King
Lands Resource Specialist
Idaho Department of Lands
555 Deinhard Lane
McCall, ID 83638

Dear Mr. King:

This letter is intended to address drainage of water from one piece of property to another. Highmark Properties LLC owns 14 acres of land off of East Lake Fork Road and Stewart Court in McCall. Faron and Aleta Gilbert own 10 acres of land off of East Lake Fork Road approximately 1 mile east of Hiway 55. Highmark Properties LLC hereby grants permission to Faron and Aleta Gilbert to allow drainage of their man-made pond from their 10 acre parcel into our adjoining 14 acre gravel pit to the south.

If you have questions or concerns with this matter, please contact me at 208-941-9081. Thank you.

Best regards,

HIGHMARK PROPERTIES LLC



Rod Kesler, Member