

RECEIVED

NOV 25 2014

WATER RESOURCES
WESTERN REGION

AMENDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 63-33643

1. Name of applicant(s) Parma Ponds LLC Phone (208) 854-1037
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 6417 Plantation Ln City Boise
 State ID Zip 83703 Email classenllc@msn.com
2. Source of water supply unnamed drain which is a tributary of Ross East End Drain / Boise River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
05N	05W	17			NE	SW	Canyon	unnamed drain	headgate
05N	05W	17			NE	SW	Canyon	unnamed drain	outflow gate

4. Water will be used for the following purposes:
- Amount 13.0 af for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (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) 13.0 acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. check structures with 1 headgate & 1 space-board riser
- b. Height of storage dam ~ 3 feet; active reservoir capacity 6 acre-feet; total reservoir capacity 6 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
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? N/A; drilling firm N/A; well was drilled for (well owner) N/A; Drilling Permit No. N/A.
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. Wildlife storage for wildlife ponds (2 ac surface area)

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	
05N	05W	17									W								

Total number of acres to be irrigated: N/A

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?

63-32562 & 63-32608 can be used in this drain. Other permits/rights for different wildlife uses on property. No other water right authorization for this existing wildlife pond(s).

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

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

Identify structures emplaced in 1998 ID Fish & Game Habitat Improvement Project before acquisition of the property.
The ponds have another inlet culvert and spillway that are open.

12. Time required for completion of works and application of water to proposed beneficial use is 1 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 of Applicant

James S. Classen, Gen. Mgr.

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by MP Date 11-25-2014 Time 1:30 PM Preliminary check by MP

Fee \$ 250.00 Received by MP Receipt No. W040140 Date 5-2-2012

*FEE RECEIVED WITH ORIGINAL APPLICATION.

63-3364 Amended Application Map



RECEIVED
MAY 02 2012
WATER RESOURCES
WESTERN REGION

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

Ident. No. 63-33643

1. Name of applicant(s) Parma Ponds LLC Phone 208-854-1037
Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address: 6417 Plantation Lane City Boise
 State ID Zip 83703 Email: classenllc@msn.com
2. Source of water supply unnamed drain which is a tributary of E End Drain / Boise R.
Ross
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
05N	05W	17		NE	NE	SW	Canyon	unnamed drain	

4. Water will be used for the following purposes:
- Amount 1.00 for Diversion to storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 1.00 for Wildlife purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 6 acre feet for Wildlife storage purposes from Jan 1 to Dec 31 (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) 0.99 cfs cubic feet per second (cfs) and/or (b) 6 acre-feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. check structures with 1 headgate & 1 space-board wiscr
- b. Height of storage dam ~3 feet; active reservoir capacity 6 acre-feet; total reservoir capacity 6 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
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. 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):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____
- d. Domestic; show number of households _____
- e. Other; describe fully. Diversion (1.00 cfs) to wildlife ponds (2 Ac) for wildlife storage

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
05N	05W	17									W								
05N	05W	17									W								

Total number of acres to be irrigated: 0

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? 63-32562 & 63-32608

can be used in this drain.

10. a. Who owns the property at the point of diversion? Pawma Ponds LLC
b. Who owns the land to be irrigated or place of use? Pawma Ponds LLC
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. Identify structures emplaced in 1998 ID Fish & Game Habitat Improvement Project before acquisition of the property. The ponds have another inlet culvert and spillway that are open.

12. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year).
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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.

James S. Classen

Signature of Applicant

James S. Classen, Gen. Mgr.

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by MP Date 5-2-2012 Time 1:30pm Preliminary check by AG
Fee \$ \$250.00 Receipted by MP Receipt No. W040140 Date 5-2-12



Parma Ponds Sec. 17 T5N-5W

63-33643

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, December 16, 2014 3:02 PM
To: Whitney, Rob
Subject: Application for Permit
Attachments: Application for Permit No. 63-33643.pdf

December 16, 2014

ROB WHITNEY
ID DEPT OF WATER RESOURCES
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit No. 63-33643— Parma Ponds LLC

Dear Mr. Whitney:

The above referenced applications may be of interest to you. I would like to inform you the application has been submitted to The Idaho Press Tribune for advertising. A copy of the application is enclosed with this email for your reference. This information is also available on our website www.idwr.idaho.gov.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, December 16, 2014 2:54 PM
To: 'waterdistrict63@qwestoffice.net'
Subject: 63. Application for Permit
Attachments: Watermaster Recommendation Form.docx; Application for Permit No. 63-33643.pdf

December 16, 2014

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Permit No. 63-33643

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by January 5, 2015.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 15, 2014

RAY ABBOTT
26948 STEPHEN LN
PARMA ID 83660

RE: Application for Permit No. 63-33643— Parma Ponds LLC

Dear Mr. Abbott:

The above referenced application may be of interest to you. I would like to inform you the application has been submitted to The Idaho Press Tribune for advertising. A copy of the application is enclosed for your reference. This information is also available on our website www.idwr.idaho.gov.

If you desire to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by January 5, 2015.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer". The signature is written in dark ink and is positioned below the word "Sincerely,".

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, December 11, 2014 3:30 PM
To: 'LEGALS@IDAHOPRESS.COM'
Subject: Canyon Legal Ad
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Categories: Legal Ad Confirmed

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 12/18/2014 & 12/25/2014.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

December 11, 2014

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit No. 63-33643

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/5/2015. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following application has been filed to appropriate the public waters of the State of Idaho:

63-33643

PARMA PONDS LLC
6417 PLANTATION LN
BOISE, ID 83703

(2) Points of Diversion L6(NESW) S17 T05N R05W CANYON County Source UNNAMED DRAIN Tributary ROSS EAST END DRAIN

Use: WILDLIFE STORAGE 01/01 to 12/31 13 AF

Total Diversion: 13 AF

Date Filed: 5/2/2012

Place of Use: WILDLIFE STORAGE
T05N R05W S17 L6(NESW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 1/5/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/18/2014 and 12/25/2014

MEMORANDUM

COPY

TO: Sascha Marston
FROM: Angela Grimm 
DATE: December 8, 2014
RE : **Refund**

Parma Ponds LLC paid \$ 250.00 for an Application for Permit on 5/2/2014. The application was amended on 11/25/2014. A partial refund should be issued.

Please issue a \$ 150.00 refund as follows:

TO

PARMA PONDS LLC
6417 PLANTATION LN
BOISE ID 83703

TEL. 208-854-1037

RECEIPT

W040140, copy attached

Copy: 63-33643 Application for Permit File

Idaho Department of Water Resources Receipt

Receipt ID: W040140

Payment Amount \$250.00 Date Received 5/2/2012 1:33 PM Region WESTERN

Payment Type Check Check Number 1049

Payer PARMA PONDS LLC

Comments APPLICATION FOR PERMIT FOR PARMA PONDS LLC
1.0 CFS DIVERSION TO STORAGE, 1.0 CFS WILDLIFE, 6 AF WILDLIFE STORAGE

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$250.00	PERMITS	62103	0229	21		1155

MP

Signature Line (Department Representative)

Grimm, Angie

From: Jim Classen [classenllc@msn.com]
Sent: Monday, December 08, 2014 1:51 PM
To: Grimm, Angie
Subject: Re: 63-33643 Amended Application

Thanks Angie as I have unsuccessfully tried twice to send same.

December 8, 2015

Dear Angie:

Please refund any surplus fees that we sent in with our original application versus the amended application for water storage on Parma Ponds LLC land in Canyon County, ref # 63-33643. We were unfamiliar with the process and now understand that an amended application requires smaller fees.

Thanks again for your continued help in this matter.

Jim Classen, General Manager, Parma Ponds LLC
6417 Plantation Lane, Boise, ID 83703

|

RECEIVED

NOV 25 2014

WATER RESOURCES
WESTERN REGION

PARMA PONDS LLC

6417 Plantation Lane, Boise, ID 83703

208-854-1037, FAX-1029

klassenllc@msn.com

November 23, 2014

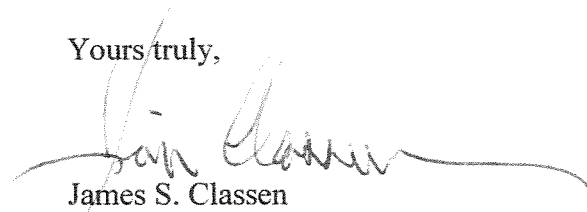
Angela Grimm, P.G.
Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Angela:

Enclosed is an Amended Application for Permit covering a ponded drain in Canyon County. I appreciate your and Mr. Whitney's assistance in preparation of this corrected form. My unfamiliarity with proper terminology was obviously a hindrance in my effort to file on this existing operating system emplaced by the ID Fish and Game several years ago.

Thank you once again and if you need any further information, please give me a call.

Yours truly,



James S. Classen
General 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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 28, 2014

PARMA PONDS LLC
6417 PLANTATION LN
BOISE ID 83703

Re: Application for Permit No. 63-33643 – Amended Application Request

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is processing of the above referenced application proposing diversion of water from an unnamed drain for wildlife storage. Upon initial review of the application, with information provided by Rob Whitney (IDWR) based on a site visit of this existing diversion, it appears the application requires amendment to address the following items:

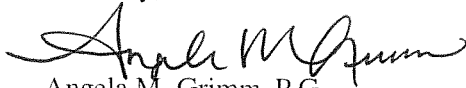
- **Point of Diversion (item no. 3):** Based on Mr. Whitney's description of the site/system, the natural channel has been altered to allow for diversion of water for this project at the headgate AND the outflow gate (screened culvert where water may be checked up if passage blocked). The application should be amended to include both the headgate and the outflow gate as points of diversion.
- **Proposed uses (item no. 7b):** Based on Mr. Whitney's recollection of the site/system, there are two ponds one inside the natural channel (filled by allowing water to flow through the headgate) and one to the south of the channel (filled by closing headgate and checking water back into other pond channel). The two ponds are connected in the center by a small channel according to the 2013 aerial imagery. This connection allows us to consider the two ponds as one on-stream (within the waterway channel) storage use. As on-stream storage, the only use term required is "Wildlife Storage" for the capacity of the pond(s) 6.0 af plus the evaporative losses associated with the pond(s) estimated to be 7.0 af (3.5 af/ac standard consumptive use-losses associated with one acre irrigation x 2 ac surface area) for a total use of 13.0 af. The "Diversion to Storage" term is not applicable to on-stream storage use. Also, the "Wildlife" rate of flow term is not required to describe the on-stream storage within the ponds.
- **Any other water rights used for the same purposes as described above (item no. 9):** This item is to describe any other water rights for the same use on the same property. There are other recent water right permit approvals associated with this property. However, it is my understanding this application is seeking water right authorization for different wildlife use, for which no other water right authorization exists.
- **Time required for completion of works and application of water to proposed beneficial use (item no. 12):** This item was not completed on the original application. Anywhere from one to five years is allowable for completion of the system and filing of the Statement of Completion (Proof of Beneficial Use). Considering this is an existing diversion, I would suggest one year.
- **Map of proposed project (item no. 13):** The map included with the original application did not label the point(s) of diversion (PD) or the place of use (PU).

Parma Ponds LLC
October 28, 2014
Page 2 of 2

Enclosed is an amended application drafted to include the amendments outlined above, based largely upon Mr. Whitney's description of the system. Please review this amended application in full. If you agree with the content, please sign (in ink) and return this amended application to allow for further processing of your application. If you do not agree, please feel free to contact me to discuss the project further and any necessary application amendments. You may seek additional time to provide the amended application by making a written request to interrupt processing for up to six months. **Your response including the requested amended application, or a request for more time to submit an amended application, must be received within the next thirty (30) days.** The application will be voided without a timely written reply.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s): Draft Amended Application for Permit No. 63-33643

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

Ident. No. 63-33643

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 - Domestic; show number of households _____
 - Other; describe fully. Wildlife storage for wildlife ponds (2 ac surface area)

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- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
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Total number of acres to be irrigated: N/A

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63-32562 & 63-32608 can be used in this drain. Other permits/rights for different wildlife uses on property. No other water right authorization for this existing wildlife pond(s).

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Signature of Applicant

James S. Classen, Gen. Mgr.

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

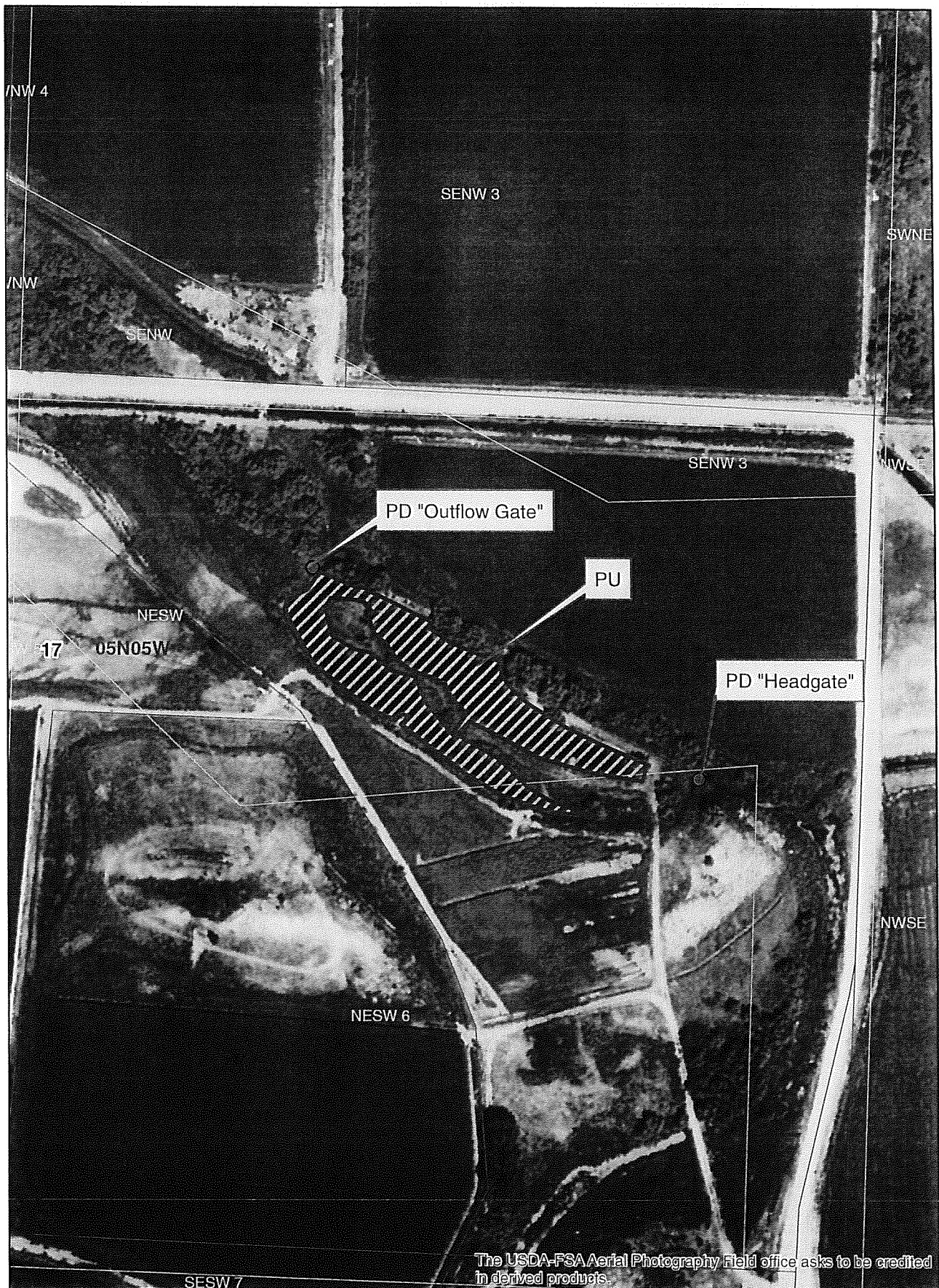
For Department Use:

Received by MP Date 5-2-2012 Time 1:30 PM Preliminary check by _____

* Fee \$ 250.00 Received by MP Receipt No. W040140 Date _____

* FEE RECEIVED WITH ORIGINAL APPLICATION.

63-33603 Amended Application Map



PARMA PONDS LLC

6417 Plantation Lane, Boise, ID 83703

208-854-1037, FAX-1029

classenllc@msn.com

May 1, 2012

Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

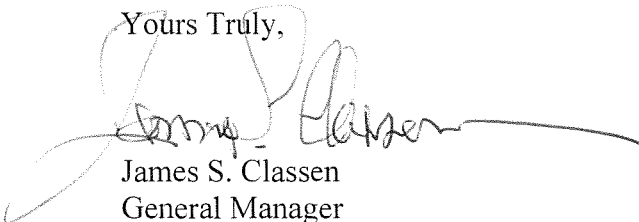
Gentlemen:

Enclosed is an application form to request appropriation of water for an Idaho Fish and Game Habitat Improvement Project installed in late 1998. It was brought to my attention that a permit should be obtained for the points of diversion installed for these ponds. There are alternate culverts and spillway which bypass these structures but the diversions could potentially be employed to raise the pond water levels.

Rob Whitney has made a field inspection of this property for another matter if you feel a potential need to further investigate the situation.

A check for the required application fee is included. Please call if you have any questions.

Yours Truly,

A handwritten signature in dark ink, appearing to read "James S. Classen", with a long horizontal flourish extending to the right.

James S. Classen
General Manager

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 18, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

James S. Classen,
Parma Ponds, LLC
6417 Plantation Ln.
Boise, ID 83703

RE: Diversion of Water from Drains for Wildlife Enhancement

Dear Mr. Classen:

Idaho Department of Water Resources (Department) staff met with you and your neighbor Ray Abbott (independently) on March 1, 2012. The purpose of the site visit was to ascertain on-site information regarding your project, water right applications, diversion issues and in response to your neighbor's related drainage concerns. In a letter dated February 15, 2012, department staff expressed caution to you relative to a reported obstruction of the drain on the north east part of your property (NE drain). The Department routinely investigates complaints that allege unauthorized diversion and use of water or assert injury related thereto.

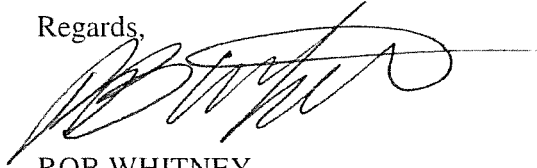
The purpose of this letter is to notify you of Department findings and conclusions resulting from the site investigation. As you are aware, a sub-surface drainage system located primarily on Abbott's property, discharges into the NE drain. It was evident at the time of the site visit that water levels in this NE drain had been considerably higher than at the time of the site visit. Higher water levels may submerge Abbott's outflow culvert and as a consequence, cause subbing of water in neighboring fields. Abbott suggests that these subbing conditions occurred and have resulted in unfavorable soil conditions on certain parts of his farm ground.

Notwithstanding your point of view as to why the water levels in the NE drain had been higher, the Department has concerns with existing structures in the NE drain located on your property that have the potential to cause similar conditions. These structures include a head gate and culvert at the upper end of your ponds, a head gate and screen at the lower end of the ponds, a screen/trash-rack on the overflow south and next to lower head gate and finally the wire mesh (beaver ex-closure) cage where the NE drain leaves your property. The Department views these structures as potential "points of diversion" whether a diversion of water is intentional or inadvertent due to a build-up of trash and debris on a structure that has been intentionally placed in the drain.

The Department's Western Region office currently holds two water right applications for fall/winter wildlife ponds. Both of these applications propose diversion from a drain to the south of your property (same point of diversion used for irrigation). Your pending water right applications do not describe any point(s) of diversion from the NE drain. If you intend to divert

water from the NE drain, an application to appropriate water must be submitted to the Department or your existing applications must be amended to add points of diversion in other locations. Since the Western Region office is responsible for processing your pending applications, it is advisable that you contact them if you need assistance with water right application or amendment procedures. Please contact me at this office if you have any questions that I may assist you with.

Regards,

A handwritten signature in black ink, appearing to read 'Rob Whitney', with a horizontal line extending to the right.

ROB WHITNEY
IDWR, Water Compliance Bureau

Cc: Tim Luke, John Westra, Steve Lester