

Hemenway, Sandy

From: Sean Wilson [sean@latahrealty.com]
Sent: Wednesday, August 29, 2012 10:51 PM
To: Hemenway, Sandy
Subject: Re: 87-10048 Wilson, licensing review and request to schedule a field examination on 10/3/2012

Hello Sandy- I'll answer your questions in the text below:

On Aug 29, 2012, at 12:11 PM, Hemenway, Sandy wrote:

Sean/Susan,

I am currently reviewing the water right file for 87-10048 for the licensing process (the final step in this whole process). I would like to conduct a field examination on 10/3/2012, and at this time do not have a confirmed time until after I review all the files in that area. If you are available that day, that would be great, but in the event you are not available or have someone who knows the system, I have the following questions:

I should be around- if you can call or text me when you're en-route from Troy, my cell # is (208) 596-8170. If I don't answer the phone, please leave me a message, I would like to meet you at the property if possible.

- (1) Do I have your permission to go onto the premises to conduct a field exam on the recreation//fire protection storage pond? **Yes**
- (2) Can you give me detailed directions to get to your property from Troy, Idaho?

On SH 8 from Troy to Moscow, once you're coming into Moscow on SH8, just past the cemetery, look for Mountainview Rd. Take a right.

You will proceed North on Mountainview rd, all the way through town. You will go through a stop sign at D st by the junior high school, keep going North. Mountainview rd will take a 90 degree right and then at Mountainview park as you are leaving the city limits, it will shoot 90 degrees left and again straight North. At this point look at your odometer- you will need to drive 1.2 miles north- Our place is on the right, the pond in question touches Mountainview Road. Our driveway is the first one past the pond, the house and area to park is set back from the road, mostly out of sight from the road. On the way there, you will go past Darby road and Moscow Mountain Road. If you hit West Twin Road, you've gone too far, turn around, our house is just before that- again look for the pond, it touches Mountainview road on the Est side of the road. It is easy to see if you're looking for it.

- (3) Is the physical address for the property where the pond is located: 2780 **N** Mountain View Rd, Moscow, ID 83843, or 2780 **W** Mountain View Rd (Google Maps keeps changing it from North to West Mountain View Rd.,?)

It is North Mountainview, there is no West Mountainview in the Moscow area.

(4) The 3/3/2009 Tax Lot information shows you as the owner, but with no address, so if changes need to be made, please complete and return the address change form found at: <http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm> (then scroll down to address change). My wife and I are still the owners. We purchased the property in April 2006, and there have been no changes of address or title since we have purchased.

(5) On the attached map, I outlined the shape of the pond. Please confirm whether you are in agreement with this or not. If the shape needs to be corrected, please send me a copy of an updated map with the pond outlined.

I agree with the shape as you have outlined it

(6) On the attached map, locate and label the point of diversion from the unnamed stream. (see map attached)***

i don't have a way to send it back, but the unnamed stream flows from under Mountainview road collects water from the neighboring property in the basin to the East. I would estimate roughly at least a square mile of land mass drains into this area. Once the pond is full, the water then diverts to the SE, back under mountainview road to the South of the pond at the other end of the former streambed of Paradise Creek and then back into the present streambed of Paradise creek. The pond does take in a small amount of its volume from our property to the West of the pond which also flows into it. It is a true low spot from both the East and the West. When full, the water from the West flows through it to the East and around the oxbow as I stated before. The stream gradients into the pond are extremely minute. For example, at full pool, the natural grade of the soil of the ground on the SE corner of the pond is approximately 1" above the full pool of the pond. The same is true on the outflow side to the West of the pond- at full pool I would guess it is maybe 1-2" below full pool. The actual crest of the land that creates full pool is somewhere on the neighbors property in the former oxbow of the streambed of Paradise Creek. You'll notice the now dry marsh area across mountain view road on the neighboring property that is part of the former streambed, this stays wet now until about August most years.

(7) What is the average depth of the pond?

I would estimate it at 9' at full pool- Bear in mind when you come to look at it, it will be at the lowest level of the year- it recharges in the spring and starts to slowly empty in July. It is as deep as 12' at its deepest.

(8) Is there an overflow in the pond, and where is it located? Mark and label it on the map.***

The overflow is also the primary inflow. See #6.

(9) Is the pond lined? If so, how and with what?

No it is not- It's all natural. We have a lot of Kaolin clay here that naturally occurs underneath it and it holds water great.

(11) What is this pond used for that you would classify it as recreational?

Swimming, occasional boating, fishing, all things a family can do out their back door with a body of water.

(12) How is this pond used for fire protection? Do you have a pump, and if so what type, make, model/serial #, Hp, discharge size, lift, and psi it is run at?

It's close proximity to four residences and several structures, including our 10,000 SF barn, none of which are served by a municipal water source or anything which produces water flows large enough to support a fire suppression operation. We do have an electric pump, but have not implemented it for this purpose as of yet. All of our neighbors have our permission that in the event of a fire, they may use the water in our pond for fire suppression.

(13) If a pump is used, but not kept out at the pond (kept locked up), please take a picture and attach it with your return email.

(14) You indicated in your notes that the spring is located beneath the pond, and that runoff is supplemental to the pond. Please indicate on the map where the runoff diverts to the pond.***

The spring is located in the center of the pond on the North end- Measured from the end of the dock if you are facing NNW at the end of the dock, it would be about 20'. I do have pictures of the spring that I took right after we dug it if necessary.

(15) What is the source of the runoff, and how often does it run?

There is a small spring underneath the pond that trickle feeds it. The main source of runoff comes from across the road, there is approximately a basin a square mile to the East where the water actually flows toward us. Once the pond reaches full pool, then the water follows the natural oxbow of the former stream of paradise creek (this pond is built in the former stream of paradise creek before it was diverted in the 70's as I understand it. It runs from roughly late November through June depending on rainfall.

(16) Is this pond used for any other things, other than those uses listed on your permit?

Yes- wildlife. This was one of the primary reasons for the pond and for the application. When we made our application, a biologist for IDFG (Ray Hennekey) fought the wildlife portion of our application. The site used for this pond used to be a shallow area composed primarily of cattails that went dry by mid-July. He based his opposition on the idea that the pond would create an environment which was less "taxonomically diverse" than that of the pond we created. We strongly rebutted it then, and we still do. We did have a biologist we consulted who agreed with us on this point. Hennekey was even so vehement in his opposition to this pond for the purposes of a water right for wildlife to devote a portion of his letter questioning whether we had violated section 404 of the clean water act, when we had in fact gone through the proper protocols for clean excavation and in consultation with the specifications we received from the Walla Walla District USACE. We ended up dropping this request for application because it just wasn't worth the fight. Candidly, when I get more time later in life, I may very well choose to take IDFG to task on their opposition of this water right for wildlife. Fish including bass, bluegill, and Rainbow trout, turtles, mallard ducks, northern shovellers, Cinnamon teal, blue-winged teal, green-winged teal, Canada Geese, Wigeons, Barrows Goldeneyes, wood ducks, great blue herons, kingfishers, snails- all which are here now because of the year-round water, and this in addition to the animals

which were already here. Raccoon, muskrats, river otters in the winter, deer in the summer all frequent this pond at respective times of the year.

<image001.png>

Thanks so much,

Sandy Hemenway

Sr. Water Resource Agent

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