



## 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](http://www.idwr.idaho.gov)

March 27, 2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LARRY J ALLEN  
8 MT IDAHO CELETERY RD  
GRANGEVILLE ID 83530

RE: Permit No. 79-7254

Dear Mr. Allen:

I am currently reviewing the Beneficial Use Field Report prepared in 1999 for Water Right Permit No. 79-7254 to determine if a water right license can be issued. Permit No. 79-7254, issued to Orié Kaltenbaugh in 1997 and assigned to you in 2007, authorizes the impoundment of 8.0 acre-feet (af) of water on an unnamed tributary of the South Fork of Whitebird Creek. A water right license is the final step in confirming that you have met all the requirements for establishing a water right.

The IDWR field examiner reported on 11/8/1999 that your dam was approximately 12.0 feet high and that it stores approximately 10.5 af of water. The original application for permit (April 1997) proposed a barrier height of 7.0 feet and a reservoir capacity of 8.0 af. Using 2004 and 2009 aerial imagery, I calculated that the pond surface area is 1.68 acres. Applying an average depth of 8 feet, the total storage in the reservoir may be as much as 13.4 af. The results from both methods used to estimate the storage capacity of the reservoir appear to exceed the limits of your permit. In addition, pursuant to Idaho Code § 42-1711, barriers that exceed 10 feet in hydraulic height *and* impound more than 10.0 af at maximum water storage elevation are determined to be dams regulated under the Safety of Dams Rules (IDAPA 37.03.06).

To help us resolve the reported discrepancy between your permitted water use and the field observations of existing conditions, please respond in one of the following ways:

- (1) Submit information showing that the field examiner's report is incorrect and that you are not storing more than 8.0 af of water in your reservoir.
- (2) Take measures to modify the structure to comply with the water storage limit of your permit, and submit documentation of those measures. ( If the reservoir stores 10 af or less, the Safety of Dam Rules do not apply, regardless of dam height.)
- (3) File an Application for Permit to establish another water right for the additional storage and file an Application for Construction or Enlargement of a New or Existing Dam.  
(Forms are enclosed).

Please inform this office of your decision. If IDWR does not receive instruction from you within 30 days, we will assume that the existing structure impounds a volume of water inconsistent with

Letter to Larry J. Allen

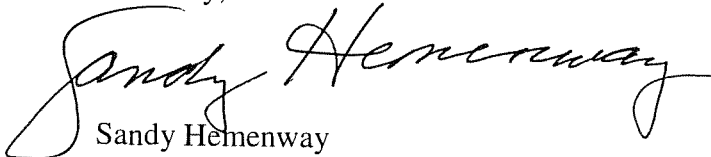
March 27, 2012

Page 2

the amount stated in the Permit. Although a water right license will be issued for 8 af to correspond with the Permit, please be advised that you are subject to future regulation for any amount of storage exceeding the limits of said license. In addition, you are responsible for certain dam safety design and construction standards that also may apply to the dam and its appurtenant works.

If you have questions, or if you need additional time to comply, please contact me at (208) 287-4920.

Sincerely,

A handwritten signature in black ink that reads "Sandy Hemenway". The signature is fluid and cursive, with the first name "Sandy" written in a larger, more prominent script than the last name "Hemenway".

Sandy Hemenway  
Sr. Water Resource Agent

Enclosures

Cc: John Falk, IDWR Dam Safety Manager