

Saxton, Craig

From: Saxton, Craig
Sent: Friday, January 29, 2010 10:07 AM
To: 'BRAD HILD'
Subject: RE: Water Diversion Application
Attachments: Transfer Application.pdf; 69-7008 POD Close Up.jpg; App For TR Part 2 (69-7008).doc; System Description.PDF

Hey Brad,

I have attached a partially completed transfer application, a map describing the diversion system per our previous discussions and from the notes you gave me. The word document is required under Part 2 of the transfer application. Then finally I attached a scanned copy of the information you gave me at our previous meetings.

As you complete the application, make sure to go through the check lists on the first two pages. This will ensure you have everything that is required. Here are a couple of notes:

Part 1:

I have completed most of Part 1 (Item 1-4). Please review 1-4 and make sure you agree and things are described as you feel appropriate.

You will need to complete Item 5, subsection a. thru e. Review how I completed the check boxes for item f. just to make sure that is done correctly.

Part 2A: I have attached the Part 2A report that the instruction say you can obtain from the Department.

Part 2B: Not Applicable because the entire right is being changed (you are not splitting the water right)

Part 3A (Check Box 1): I have attached a GIS map, but you will want to include your hand drawn system description that you showed me in the office (attached as "System Description.PDF)

Part 3A (Check Box 2): Not applicable

Part 3B: Not Applicable (you are not changing the nature of use, EX changing from domestic to commercial use)

Part 3C: Not Applicable (There are no supplemental water rights applicable)

Filing fee is Fee is \$100. Can see fee schedule at:

http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/transfer_fee_schedule.pdf

Once you feel you have completed the transfer application to the best of your ability, you can mail it into the Western Region office:

IDWR
Western Region
2735 Airport Way
Boise Id 83705-5082

If you have other questions, drop me a line or we can set up a time to meet and try to go over your questions.

I know we have spoke about this previously, but I do feel an obligation to reiterate that there is a possibility that the department will require additional information to support that these points of diversion are from the same "spring" system in order to approve your transfer. If sufficient information is not provided, the application could be denied. That

the general policy is that different springs are "different" sources and you cannot generally add a new source to a water right. The way your system is set up and with as little of water as you use, it may not be a problem. I just don't know.

Let me know if you have questions.

Sincerely,
Craig

From: BRAD HILD [mailto:hildb8@msn.com]
Sent: Wednesday, January 27, 2010 7:16 AM
To: Saxton, Craig
Subject: RE: Water Diversion Application

This sounds good Craig. Thank you so much for your help.

Have a great day,
Brad

Subject: RE: Water Diversion Application
Date: Tue, 26 Jan 2010 15:37:56 -0700
From: Craig.Saxton@idwr.idaho.gov
To: hildb8@msn.com

Hey Brad,

So I just want to verify what the plan is. It sounds like you want to file an application for Transfer to add the missing points of diversion to your existing water right 69-7008. You are going this direction because you feel that the different points of diversion, or springs, are in actuality the same source.

Then you would like to petition the court to set aside the partial decree for 69-7008 and get the error on the domestic use description fixed?

Ok – if that is the plan, then what I would like to do is to partially complete what I can in the transfer application and send it to you for review and to complete what I can't. Then if you have further questions we could set up a meeting to finish off the application so you can submit it to the Western Regional Office. I think this would be a better way to go because it takes a fair amount of time to fill out the application and you might need to provide supplemental documents to submit with the application. If you came in cold, I doubt if we would get it completed. Does that sound Ok?

As far as the court, Petitioning the court to set aside a partial decree is a fancy name for saying you need to send a letter to the court and explain what is wrong with the water right and that you like to fix the error. You will want to provide a copy of the recommendation with your letter. Being as simple of an error as yours is, the court might just fix it. We will have to see.

Let me know what you think.

Craig

From: BRAD HILD [mailto:hildb8@msn.com]
Sent: Tuesday, January 26, 2010 1:37 PM
To: Saxton, Craig
Subject: Water Diversion Application

Hello Craig,

Sorry I've been so long getting back to you after the holidays. As always, it's pretty crazy around here when everyone gets back from holiday vacations. I hope you and your family had a wonderful Christmas and New Years.

We were able to meet with our LLC board and the property owners over the Holidays. We decided that we would like to submit an application for diversion to make our water permit match our actual water system. We feel that looking at the terrain where the seeps are located, and the close proximity of the seeps make a compelling case for allowing the diversion. Reviewing the purpose of the diversion application we feel that our request falls within the purpose of the diversion process. Would it be possible to meet with you this week or next to put together the application? I would really appreciate your help getting this process going. Also, I would like to discuss exactly how we petition the courts to have the court documents accurately reflect the number of cabins on the property.

Please let me know if you are available to meet. I really appreciate all your help as we work through this process.

Sincerely,
Brad Hild
(208)381-4611

Saxton, Craig

From: Brad Hild [hildb@slrmc.org]
Sent: Tuesday, December 15, 2009 2:54 PM
To: Saxton, Craig
Cc: Ron Hedges
Subject: RE: Draft Application for permit

Thank you,

Brad

>>> "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov> 12/15/2009 2:50 PM >>>

We won't have any information on the special use permits unless it was submitted as supplemental information when you filed the original SRBA claim in 1988. The claim file is at the state records center and will take a couple of day's to get. I will put in a request to pull the claim file and get it scanned so you can see its contents.

c

From: Brad Hild [mailto:hildb@slrmc.org]
Sent: Tuesday, December 15, 2009 1:06 PM
To: Saxton, Craig
Cc: Ron Hedges
Subject: Re: Draft Application for permit

Hi Craig,

I'm working on a history of the water and special use permits, looking through the information on the web site I don't see any documentation on any action taken during the 1987 adjudication action. Do you have any documentation of actions taken on our permit during the 1987 process?

Thanks
Brad

>>> "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov> 12/14/2009 12:35 PM >>>
Brad.

Take a look and we can talk about it when you come in.

c

"TWEF <slrmc.org>" made the following annotations.

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Saxton, Craig

From: Brad Hild [hildb@slrmc.org]
Sent: Tuesday, December 15, 2009 2:53 PM
To: Saxton, Craig
Cc: Ron Hedges
Subject: RE: Draft Application for permit

Just so I have all the information, is there any harm to our original water permit if we submit a transfer request to add the other diversion points and the transfer is denied?

Thanks
Brad

>>> "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov> 12/15/2009 2:42 PM >>>
Hey Brad,

The link just lead me to the water right transfer page so I didn't see a specific example. However, I looked at the transfers on the side of the page and the difference is that in the other transfers, they are adding points of diversion to the same source. We are proposing to add additional "sources" (even though they are springs).

On that note, I spoke again with my supervisor because I had some more questions. He reminded me that you can always file a transfer and submit the documentation you have to show that the springs are all part of one system and are essentially one source and that you aren't injuring anyone. He just can't guarantee that it will be approved. But you know, short of filing the new permit, that might be the way to go.

I am feeling less sure about trying to go through the court because we are facing the same issue of how do we prove we aren't adding a new source.

I will try to address your other e-mails shortly.

Craig

From: Brad Hild [mailto:hildb@slrmc.org]
Sent: Tuesday, December 15, 2009 12:58 PM
To: Saxton, Craig
Cc: ronald.hedges@ang.af.mil
Subject: Re: Draft Application for permit

Hello Craig,

Thank you for meeting with us last night. We really appreciate your help as we try to get this situation resolved.

Ron and I spoke this morning and we are still unclear on the water rights transfer option as it relates to the addition of points of diversion. On your web site we found examples that we feel are very similar to our situation. Please take a look at the link below. Could you please help us understand the difference between the transfer in the examples and our situation?

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm

Thank you,

Brad

>>> "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov> 12/14/2009 12:35 PM >>>
Brad.

Take a look and we can talk about it when you come in.

c

"TWEF <slrmc.org>" made the following annotations.

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SRBA PARTIAL DECREE 69-07008

Issued on 01-17-2007.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: MARVIN JOHANSON
RT 1 BOX 246
PAYETTE, ID 83661
KRISTINE ROBERTS
RALPH ROBERTS
10421 SCOTCH PINES RD.
PAYETTE, ID 83661
BRAD HILD
MARY HILD
132 FLORENCE ST.
NAMPA, ID 83686
GORDON SEWARD
JUDY SEWARD
27520 OLD FORT BOISE RD
PARMA, ID 83660
CARLA HEDGES
RICHARD HEDGES
988 N WINDHAM PL
EAGLE, ID 83616-5380

SOURCE: SPRING TRIBUTARY: DICK ROSS CREEK

QUANTITY: 0.045 CFS

PRIORITY DATE: 06/19/1973

POINT OF DIVERSION: T18N R03W S23 NWSWSE Within Adams County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	0.005 CFS
Domestic DOMESTIC USE IS FOR	01-01 TO 12-31	0.04 CFS

PLACE OF USE:

Fish Propagation		Within Adams County
T18N R03W S14	SESE	
Domestic		Within Adams County
T18N R03W S14	SESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

Kramer LLC (Previous Special Use Permit under Richard W. Hedges Authorization ID: CCL043)

Project Description:

Reference attached drawing "Kramer LLC, Water System Layout".

The project is located at T.18N., R.3W., section 23, Boise Meridian, Adams County Idaho on Payette National Forest lands.

Projects purpose is operation and maintenance of an existing water system providing domestic water to private land.

A water right (#69-7008) for use of the water has been issued by Idaho Department of Water Resources with a priority date of 1973. The water right allows for .045cfs for domestic use from January 1 – December 31.

There is a main/lower collection head box (Marked as "Main/Lower Head Box" on the attached drawing.) (Ref. Photo No. 1 below) located at N 44 52.702' W 116 40.066' that collects and distributes water from 3 collection points and feeds the collected water, via a 2 inch diameter buried black PVC pipe, from the head box to the Kramer LLC private property storage tanks (approximately 2500 feet that is marked with rebar stakes about every 100 yards). This head box area consists of a water collection galvanized pipe (approximately 2' dia.) that is visible above ground. The collection pipe has a lid that is padlocked. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of the area is square and measures approximately 11' x 9' (99 SF). This collection box is also fitted with a 15' long 2" overflow pipe that runs from the head box, under the trail/road and out onto the ground below the trail/road.

There are three inputs to the Main/Lower head box:

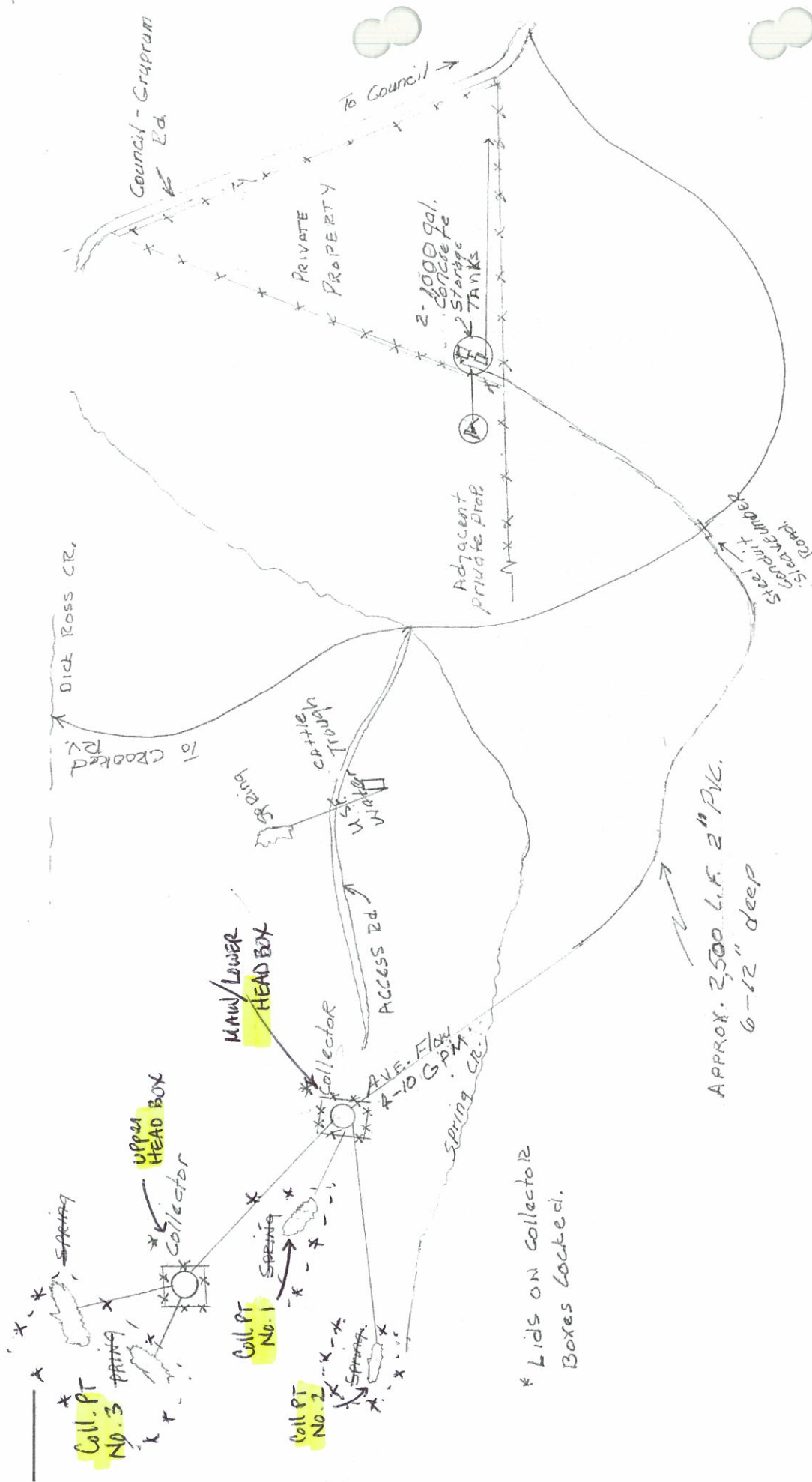
- 1) A water collection point (Marked as "Collection point No. 1" on the attached drawing.) (Photo no. 2) is 60 feet on a magnetic bearing of 143 degrees from the Main/Lower head box. This collection point can also be located via coordinates of N 44 52.707' W 116 40.075'. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of this area is triangular with sides that measure approximately 40' x 40' x 51' (1020 SF). 2" PVC pipe runs from this point to the Main/Lower head box.
- 2) A water collection point (Marked as "Collection point No. 2" on the attached drawing.) (Photo no. 3) located 190 feet on a magnetic bearing of 188 degrees from the Main/Lower collection head box. This collection point can also be located via coordinates of N 44 52.629' W 116 40.062'. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of this area is a polygon with sides that measure approximately 80' x 30' x 18' x 50' x 40' (3380 SF). 2" PVC pipe runs from this point to the Main/Lower head box.

3) An Upper collection head box (Marked as "Upper head box" on the attached drawing.) (Photo no. 4) feeds into the Main/Lower head box. It is located 360 feet on a magnetic bearing of 225 degrees from the Main/Lower head box. The Upper collection head box can also be located via coordinates of N 44 52.658' W 116 40.115'. The Upper head box is a 4' dia. galvanized pipe that has a lid that is padlocked. The shape of the area is rectangular and measures approximately 16' x 12' (192 SF). 2" PVC pipe runs from this point to the Main/Lower head box.

The Upper head box has two inputs from two water collection points that are both surrounded by one fence perimeter. (Photo no. 5). This collection point is located 300 feet on a bearing of 138 degrees from the Upper head box. This collection point can also be located via coordinates of N 44 52.610' W 116 40.080'. This area is bordered with three-wire barbed fence that is maintained yearly in the spring. The shape of this area is square with sides that measure 70' x 70' and is approximately 140 SF. Two inch (2") (Marked as "Collection point No. 3" on the attached drawing.)

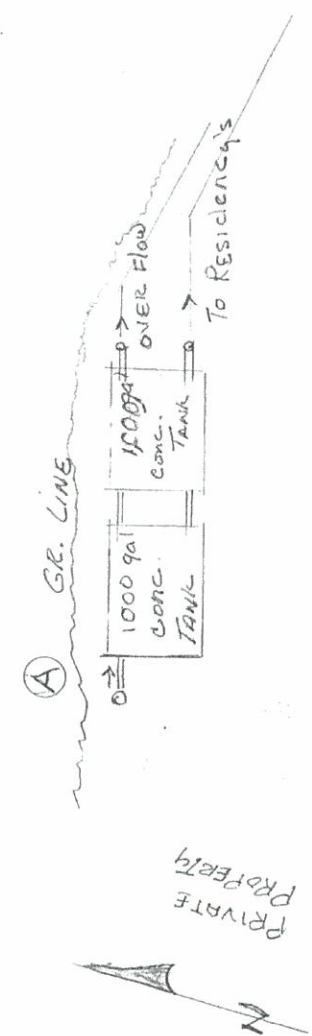
2" PVC pipe runs are approximately as follows:

Lower/main head box to the Kramer LLC property	2500 feet
Lower/Main head box to collection point No. 1	60 feet
Lower/Main head box to collection point No. 2	190 feet
Lower/Main head box to the Upper head box	360 feet
Upper head box to collection point No. 3	300 feet
Total	3410 feet



APPROX. 2500 L.F. 2" PVC.
6-12" deep

KRAMER SPRING AND PIPE LINE ATCH. - A -



Photos:



1. Main/Lower Head Box (facing W)



2. Collection Point No. 1 (facing SE)



3. Collection Point No. 2 (facing SW)



4. Upper Head Box (facing SE)



5. Collection Point No. 3 (facing SE)