

MEMO

TO: File 63-10021

FROM: Cherie Padilla

DATE: September 15, 2010

RE: Phone Conversation

I spoke with Don today in response to his email dated 9/14/10. I told him that we don't have a problem with him moving his pond on his property or changing the drainage. I emailed John Falk to ensure dam safety wouldn't require anything further and he didn't have any concerns other than notifying Don of his responsibility. I told Don that he is responsible and potentially liable for any damages to neighboring property that may result in the sudden release of water. He told me that he siphoned all the water from the pond already and is now dry. I also told him that the neighbor doesn't have a water right to cover the ponds they built and may need to file with the department.

Padilla, Cherie

From: Don & Judy Brothers [busybaces@q.com]
Sent: Tuesday, September 14, 2010 11:41 AM
To: Padilla, Cherie
Subject: Pond (Water Right No. 63-10021)
Attachments: brotherspond0001.pdf

Cherie: As you may remember from the file, I contacted you previously about abandoning our pond and building a smaller one elsewhere on our property, because of complaints and threats from the property owner below us. I will spare you of all the details. However, I have some concerns that need to be satisfied before I breach the dam in a couple of weeks.

I have attached a marked-up satellite photo of our property and the neighbors' for "show and tell." It will help to explain my concern. The two lots are outlined in white and identified. The original natural drain is the pink line identified as G, H, I and J. The neighbor had completely rearranged their property (no part of their lot has the original topography). The original natural drain on their property has been filled in. All of the western part of the lot (in the vicinity of pink I) is now a riding arena. The neighbor did put a 12 to 14 inch pipe (green K) to remove runoff in the area. I wanted to breach the dam at the site of the original natural drain, where it could flow to the K pipe. The neighbor doesn't want the runoff there. He wants the dam breached at the south end of the dam (blue C) and a ditch will be dug (blue D) to another 12 inch pipe under his drive so the runoff will go to his two ponds (blue E and F). I have correspondence from the neighbor on the matter and where he wants the runoff to go. The water in our current pond has been siphoned to the pipe under the neighbor's drive, as he requested.

QUESTION ONE: I wish to relocate our pond (to be smaller than the original pond) in the natural drain (red A) and runoff will follow red B, through the breach (blue C) and ditch (blue D) to the neighbor's pipe, where he wants it. Will this be satisfactory to IDWR since the natural drain no longer exists on the neighbor's property?

QUESTION TWO: Should the drainage situation be satisfactory, do I need anything from IDWR to relocate our pond under the existing water right?

Thanks for your time and consideration. Don Brothers



G

H

Lot 2, Ranch Sub. No. 2

I

Lot 1, Ranch Sub. No. 2

K

L

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43° 38' 20.5" N 115° 59' 78.9" W elev 3244 ft

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Eye alt 4365 ft