



November 30, 2009

Idaho Department of Water Resources
c/o Blake Jordan
900 N Skyline, Ste A
Idaho Falls, ID 83402

RECEIVED

DEC 01 2009

Department of Water Resources
Eastern Region

Re: Application for Permit 22-13912, Mark Harrington

Dear Blake,

We recently received notice from you that it appears that the three ponds proposed in the above referenced application have been enlarged since filing. After speaking with Mr. Harrington, we can assure you that the ponds were not enlarged after filing the application. Rather, they were enlarged in 2007, unbeknownst to us.

The application submitted to IDWR was based on the size of the ponds as seen on the 2006 aerial photographs, which are the most recent photos available to us. According to Mr. Harrington, the original project was done in 2004, which corresponds to the ponds sizes (0.53 acres) in the application. But in 2007, a modification was made with the Teton Regional Land Trust (TRLT) and the Natural Resources Conservation Service (NRCS) to increase the total size of the ponds from 0.53 acres in surface area to 3.15 acres.

There was miscommunication between Rocky Mountain Environmental Associates (RMEA) and Mr. Harrington in that we did not understand that modifications were made more recently. Since we only had access to 2006 aerial photos, the change was not evident to us. Mr. Harrington assures us that no changes were made without the knowledge of the NRCS and the TRLT since it is within a conservation easement. The TRLT conducts yearly inspections of the easement and can confirm that no additional work has been done since 2007.

We apologize for the misunderstanding, and we realize that the application is not sufficient for the actual size of the ponds. We propose to amend the application so it can be reprocessed accurately.

Please find enclosed a copy of the invoice from Western Watersheds, LLC in 2007 for the modifications made to the three ponds and the project design page that indicates the existing and proposed sizes of the ponds.

Let us know if we need to conference about this.

Sincerely,

A handwritten signature in black ink that reads "Kristin Moore". The signature is fluid and cursive, with the first name "Kristin" and last name "Moore" clearly distinguishable.

Kristin Moore
Water Rights Analyst

cc: Mark Harrington

Attachment(s): Western Watersheds, LLC Invoice
Harrington Wetland Project Design

Western Watersheds, LLC

P O Box 651
Driggs, ID 83422

INVOICE

Invoice Number: 161
Invoice Date: Feb 26, 2007
Page: 1

Voice:
Fax:

Bill To:

TRLT - Harrington
PO Box 247
Driggs, ID 83422

Teton Regional Land Trust
A H W: Rob

Ship to:

Customer ID	Customer PO	Payment Terms	
harrington		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Airborne		3/28/07

Quantity	Item	Description	Unit Price	Amount
		Pond 1		6,365.00
		Pond 2		8,775.00
		Pond 3		4,990.00
		<i>Contracted in Jan. 2007</i>		
Subtotal				20,130.00
Sales Tax				
Total Invoice Amount				20,130.00
Payment/Credit Applied				
TOTAL				20,130.00

Check/Credit Memo No:

Harrington Wetland Project Design

Pond 1	Water Surface
Existing	0.11 acre
Proposal A	0.67 acre
\$4275.00 Berm Construction	Berm 520 feet, 920 cyds
\$1640.00 Prep and Re-vegetation	
\$5915.00 Plus Mobilization (\$450)	

Pond 2	Water Surface
Existing	0.27 acre
Proposal A	1.69 acre
\$6275.00 Berm Construction	Berm 760 feet, 1350 cyds
\$2050.00 Prep and Re-vegetation	
\$8325.00 Plus Mobilization (\$450)	

Pond 3	Water Surface
Existing	0.15 acre
Proposal A	0.79 acre
\$2900.00 Berm Construction	Berm 520 feet, 624 cyds
\$1640.00 Prep and Re-vegetation	
\$4540.00 Plus Mobilization (\$450)	

