

## Music, Vicky

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**From:** Tim Folke [tsfcpa@srvinet.com]  
**Sent:** Wednesday, September 02, 2009 1:29 PM  
**To:** Music, Vicky  
**Subject:** PS

Carolyn and I looked up where Mr. Brown lives and we are pretty sure who he is. He actually lives south of our property and not anywhere near 'directly below' the dam. There is a waste ditch that collects runoff from the ground around our property as well as property to the east of us (the water table is very high there). It continues on down into town and it goes by his house. If he is the gentleman we are thinking of, he uses this wastewater for his garden. This waste ditch usually dries up at the end of July.

However, this wastewater has nothing to do with Grossen Creek and comes from an entirely different source. But, he may truly believe it is Grossen Creek; that would be an understandable mistake. As discussed, I am hesitant to contact him but will give it some thought and in any event will wait until after the protest deadline of September 8th - by then we will know more on how folks feel about the whole thing and if their protests truly have merit or if they just have an axe to grind.

Sincerely,

Tim Folke

## Music, Vicky

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**From:** Tim Folke [tsfcpa@srvinet.com]  
**Sent:** Wednesday, September 02, 2009 11:56 AM  
**To:** Music, Vicky  
**Subject:** RE: Refund check - #67-14975

**Attachments:** LloydBrownletter.PDF



LloydBrownletter.P  
DF (519 KB)

Hi Vicky:

Only one protest letter so far, which I have attached in PDF. From what I understand, I should normally contact this gentleman, but it seems so off the wall and without merit I might only be wasting my time and get him more upset. He only raises two issues, both of which have no merit. First, Grossen Creek is certainly not dry most of the year at this location. But, if it were, would not the issue of water diversion be irrelevant then anyway?

Sceondly, the dam is not in city limits, no public hearing was required for stockwater storage, nor were we required to contact planning and zoning. There is nothing illegal about it. Per John Falk of IDWR, if the dam were ten feet or more a permit would have been required, but it is less than 10 feet high so we are OK there. Nor is there any danger - we have worked with IDWR (Sonny Hornbaker and John Falk) on all of this. They have been most helpful, and they were the ones who had us lower the water level.

In regards to the Adams County Sheriff, that whole issue involves an well-known ego (the 'undersheriff')who took it upon himself to create undue hysteria - Sonny Hornbaker and the Watermaster Brandie Horton will attest to this.

Anyway, should I atempt to contact this gentleman? I suspect he is elderly and while I would like to relieve his concerns one never knows with senior citizens.

I'll try to call you. Thanks for your help.

Tim Folke

-----Original Message-----

**From:** Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]  
**Sent:** Tuesday, August 25, 2009 8:13 AM  
**To:** Tim Folke  
**Subject:** RE: Refund check - #67-14975

Hi Tim -

The refund is correct. Your initial fee was based on the original volume of 70 af if I remember correctly. However, your fee based on the amended application is \$100 so you were due a refund of \$150.

Vicky Music

-----Original Message-----

From: Tim Folke [mailto:tsfcpa@srvinet.com]  
Sent: Saturday, August 22, 2009 11:18 AM  
To: Music, Vicky  
Subject: FW: Refund check - #67-14975

-----Original Message-----

From: Tim Folke [mailto:tsfcpa@srvinet.com]  
Sent: Saturday, August 22, 2009 11:15 AM  
To: 'Vicky.Music.@idwr.idaho.gov'  
Subject: Refund check - #67-14975

Hi Vicky:

The advertisement went out in the Adams County Record on 8/20/09 (2nd & last to go out 8/27/09) - looks great!

Aslo, we just got a refund check from IDWR for \$150 (warrant #123343056, description 'Refund, ck 8225'). I assume the '8225' refers to our check # 8225 dated October 14, 2008 for \$250 which was our original application fee.

Is this refund normal? I was not expecting any refund, but perhaps I did not read the instructions carefully enough?

Please advise.

Sincerely,

Tim Folke

Director Water Resources  
2735 Airport Wy.  
Boise ID. 83705

Lloyd J. Brown  
301 3rd Ave.  
Council ID. 83612

Gary Spackman  
INTERIM DIRECTOR

I PROTEST against the approval of the application filed to appropriate the Public Water of the State of Idaho. As published in the Adams County Record, Aug. 20-2009.

On the grounds that Grossen Creek is dry most of the year at this location. This storage dam was put in ILLEGAL, by not having PLANNING & Zoning - Impact Studies - or not having Public Hearing and commits.

Shortly after construction the storage dam begin leaking in a catastrophic manner. Adams County Sheriff had the storage water pumped out of the dam, to stop it from flooding our homes that are directly below.

A copy of this protest also sent to the applicant on this date. To My knowledge the above statement is true and that the water diversion be DENIED. My check for \$25.00 is included.

8-31-09  
Lloyd J. Brown



## LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:  
67-14975

TIM FOLKE  
CAROLYN FOLKE  
PO BOX 100  
PAYETTE, ID 83661-0100

|                    |                           |                  |      |          |              |                      |
|--------------------|---------------------------|------------------|------|----------|--------------|----------------------|
| Point of Diversion | NWSW                      | S11              | T16N | R01W     | ADAMS County | Source GROSSEN CREEK |
|                    | Tributary to WEISER RIVER |                  |      |          |              |                      |
| Use:               | STOCKWATER STORAGE        | 01/01 to 12/31   |      |          | 5 AF         |                      |
| Use:               | DIVERSION TO STORAGE      | 01/01 to 12/31   |      | 0.04 CFS |              |                      |
|                    |                           | Total Diversion: |      | 0.04 CFS |              |                      |

Date Filed: 10/15/2008

Place Of Use: STOCKWATER STORAGE  
T16N R01W S11

NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy. Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 9/8/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 8/20/2009 and 8/27/2009

Published in The Adams County Record August 20, 2009 • August 27, 2009