

RECEIVED

JUL 02 2009

FORM 202 10/07

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

Ident. No. 67-14975

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tim & Carolyn Folke Phone 208-642-1417
Mailing address PO Box 100 Payette, ID 83661 Email tsfcpa@srvinet.com
2. Source of water supply Grossen Creek which is a tributary of N. Fork of Weiser River
3. Location of point of diversion is Township 16 North Range 1 West Sec. 11, in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, n/a $\frac{1}{4}$, Govt. Lot n/a, B.M., Adams County;
additional points of diversion if any: (none) - see attached legal description & narrative.
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>Five</u> for <u>Stockwater storage</u> | Purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive) |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ | Purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per year) | |
| Amount <u>.04 cfs</u> for <u>Diversion to storage</u> | Purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive) |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ | Purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ | Purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ | Purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per year) | |
5. Total quantity to be appropriated is (a) .04 cfs and/or (b) Five
cubic feet per second acre feet per year
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Diversion ditch approx. 36" wide with adjustable sleeve gate. No pump, well or power needed.
- b. Height of storage dam 9.5 feet feet; active reservoir capacity Five acre-feet;
total reservoir capacity Six acre-feet
- c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
- d. Is ground water with a temperature of greater than 85°F being sought? No.
- e. If well is already drilled, when? n/a; Drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. approx. 12 beef cows, 2 to 4 horses.
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

AMENDED

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. n/a
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	1W	11										X							
												S							

Total number of acres to be irrigated: n/a

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a - none.

11. a. Who owns the property at the point of diversion? Tim & Carolyn Folke
- b. Who owns the land to be irrigated or place of use? Tim & Carolyn Folke
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carolyn Folke

Signature of Applicant

Carolyn Folke - owner

Tim Folke, Owner

Print Name (and title, if applicable)

For Department Use:

Received by SB Date 7-2-09 Time 9:50AM Preliminary check by VLM
 Fee \$ 250. Received by DB Receipt No. W036088 Date 10-15-09

Publication prepared by DB Date 8/12/09 Published in THE RECORD
 Publication approved _____ Date _____ Dates Published AUGUST 20 & 27, 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

12. (Proposal described in narrative form.)

Please refer to attached map and legal description. Subject property comprises two 13+ acre parcels (total of approximately 26.5 acres adjoining north/south) with Grossen Creek running in an approximately east to west direction, roughly bisecting said property into north/south halves.

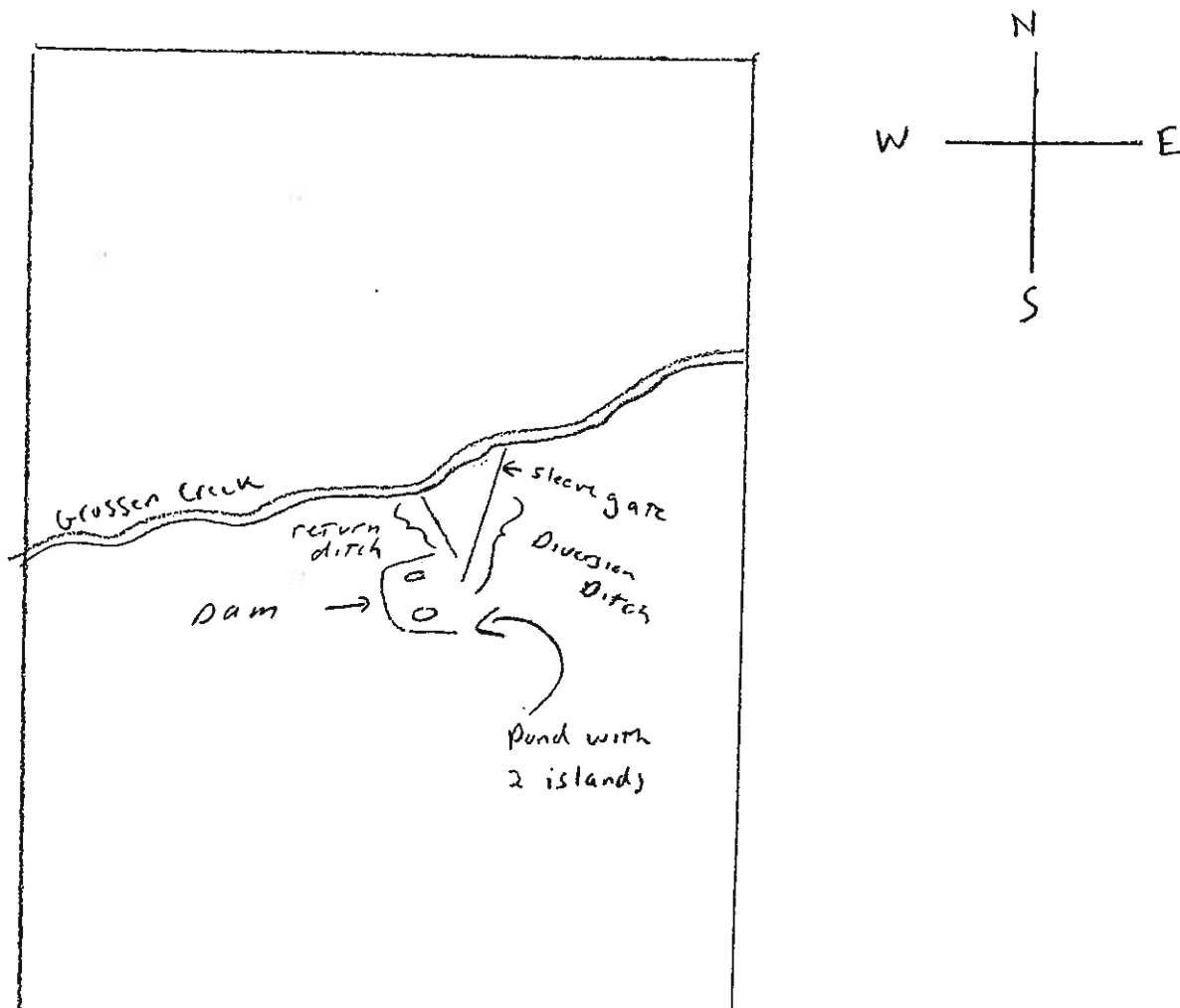
Dimensions of pond were arrived at in consultation with IDWR representatives John Falk, Dam Safety Manager, and Sonny Hornbaker, Geologist, as well as Water District 67 Watermaster Brandi Horton.

Proposed project consists of a stock-water storage pond less than one acre in extent, being approximately 185' by 200' or 37,000' square feet of surface area. Two islands approximately 200 square feet (total of 400 square feet) will further reduce surface area and loss from evaporation.

Pond will be located on south side of Grossen Creek, approximately half way between the east/west boundaries of said property.

A diversion channel approximately 36" wide with adjustable sleeve gate will divert water into the pond. A spillway will allow excess water to return to Grossen Creek, and will also prevent pond from overfilling. At the direction of John Falk of IDWR, the spillway shall be at least the same width as the diversion channel, be located on natural ground, allow for a minimum freeboard of two feet, and limit active reservoir capacity to no more than 5 acre feet. Dam height is 9 and one-half feet.

No well, power or pumps are necessary. Shown below is a rough sketch of the project.



ASSESSOR'S SUB-DIVISION OF _____ TWP. _____ N. RGE. _____ B.M.

Survey # 66034

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1328.27

1328.27

880.37.1
(.40188)

1317.81

50° 20' 14" E
2635.62'

Leonard, Robert, SR & Sharlett
84960 10-18-93 4800
8114
L. Alexander, Jr.
(St. Louis, MO)

Agnes C. Clemons

19. 6c. in NESW
36ac County Rd. in NESW

Anna Coleman 39111997 5

19. ac in E 33W
36 ac County Rd waste

Anne E. Evelyn L. Frickson

Folke, Timothy S.

--- Timothy S
--- Mike: A

Carroll Valley, Pa.

Professor Taylor, F.R.S.,

o/k Kelley K-38

342117

Chern: 40% 20% 20%
Mixed 20% 30% 30%

7

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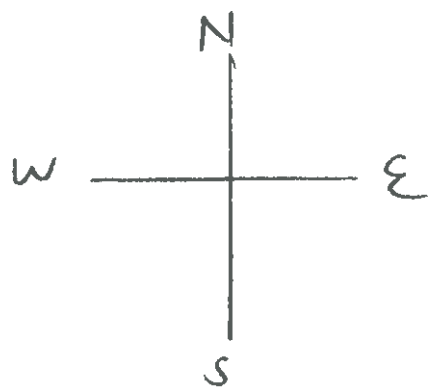
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Appl. 1887

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3.01.78.05

67-14975



67-14975

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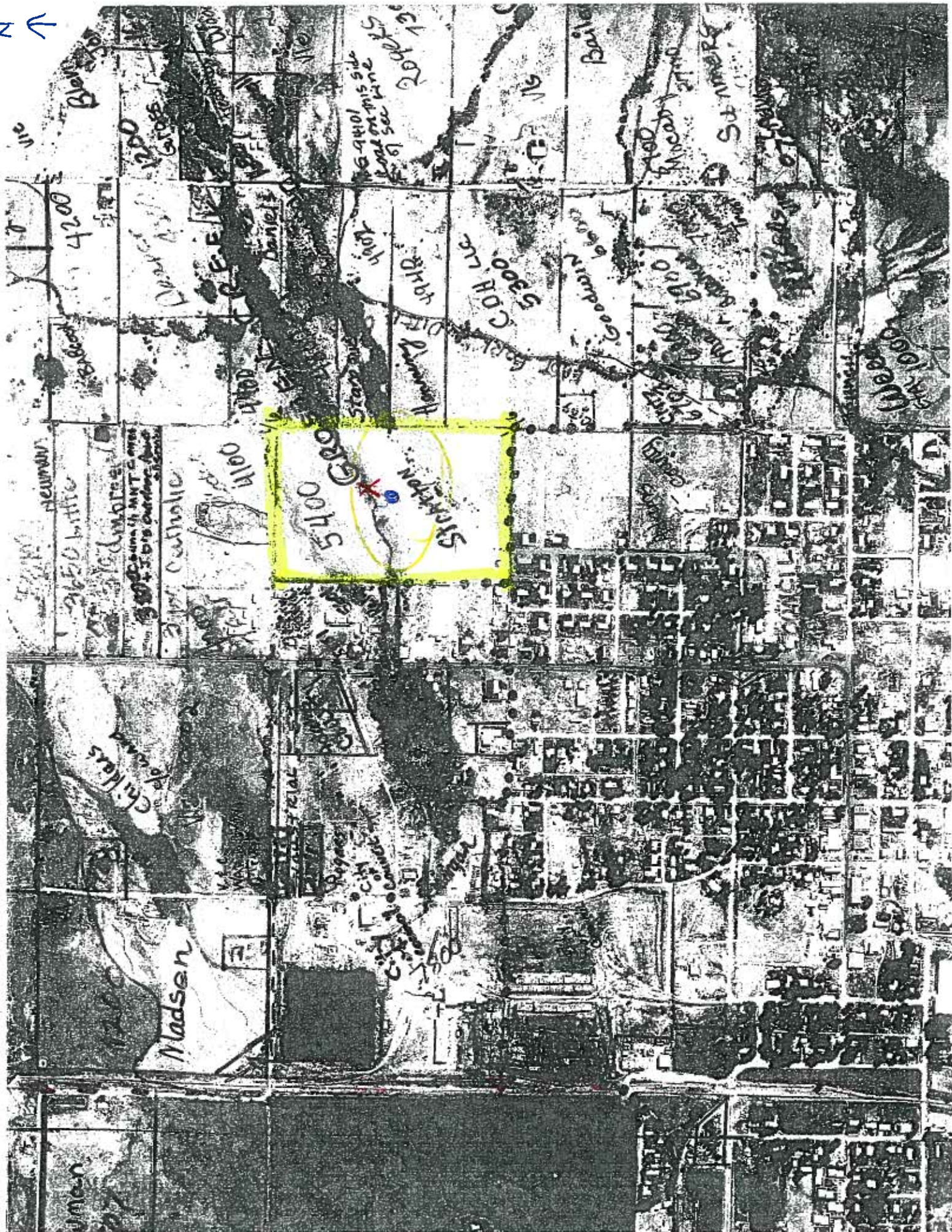


EXHIBIT 'A'

PARCEL 1 (North parcel)

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 11: A tract of land in the NW1/4SW1/4 of Section 11 more particularly described as follows:

Commencing at a point on the North line of said NW1/4SW1/4 of said Section, Township and Range that is East 417.4 feet from the point of intersection of said North line with the East line of the right-of-way of U.S. Highway 95 as now established;

Thence East on and along the said North line 880.87 feet, more or less, to the Northeast corner of said NW1/4SW1/4;

Thence South, on and along the East line of said NW1/4SW1/4, 660 feet, more or less, to a point;

Thence West, parallel to the North line of said NW1/4SW1/4, a distance of 880.87 feet, more or less to a point;

Thence North, parallel to the East line of the NW1/4SW1/4, a distance of 660 feet more or less, to the Real Point of Beginning.

PARCEL 2 (South parcel)

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 11: A tract of land in the NW1/4SW1/4 of Section 11 more particularly described as follows:

Commencing at the Northeast corner of said NW1/4SW1/4;

Thence South, along the East line of said NW1/4SW1/4, 660 feet to the POINT OF BEGINNING;

Thence continuing South along said East line, a distance of 660 feet to a point being the Southeast corner of the NW1/4SW1/4;

Thence West, along the South line of said NW1/4SW1/4, a distance of 880.87 feet, more or less, to a point;

Thence North, parallel to the East line of said NW1/4SW1/4, a distance of 660 feet to a point;

Thence East, parallel to the South line of said NW1/4SW1/4, a distance of 880.87 feet, more or less to the POINT OF BEGINNING.

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JUN 15 2009

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

Ident. No. 67-14975

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tim & Carolyn Folke Phone 208-642-1417
Mailing address PO Box 100 Payette, ID 83661 Email Tsfcpa@srvinet.com
2. Source of water supply Grossen Creek which is a tributary of N. Fork of Weiser River
3. Location of point of diversion is Township 16 North Range 1 West Sec. 11 in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, n/a $\frac{1}{4}$, Govt. Lot n/a, B.M., Adams County;
additional points of diversion if any: (none) - see attached legal description & narrative.
4. Water will be used for the following purposes:
Amount 4.5 AF for stockwater storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount .04 cfs for Diversion to storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .04 cfs and/or (b) 4.5 AF
cubic feet per second acre feet per year
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Diversion ditch approx. 36"
wide with adjustable sleeve gate. No pump, well or power needed.
b. Height of storage dam 6' feet; active reservoir capacity 4.5 acre-feet;
total reservoir capacity Five acre-feet
c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
d. Is ground water with a temperature of greater than 85°F being sought? No.
e. If well is already drilled, when? n/a; Drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. approx. 12 beef cows, 2 to 4 horses.
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. n/a
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	1W	11							1										1
									S										

Total number of acres to be irrigated: n/a

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a - none.

11. a. Who owns the property at the point of diversion? Tim & Carolyn Folke
- b. Who owns the land to be irrigated or place of use? Tim & Carolyn Folke
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carolyn Folke

Carolyn Folke - owner

Tim Folke

Tim Folke, Owner

Signature of Applicant

Print Name (and title, if applicable)

For Department Use: see original application

Received by _____ Date _____ Time _____ Preliminary check by VAM
 Fee \$ _____ Received by _____ Receipt No. _____ Date _____

Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____ Dates Published _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

12. (Proposal described in narrative form.)

Please refer to attached map and legal description. Subject property comprises two 13+ acre parcels (total of approximately 26.5 acres adjoining north/south) with Grossen Creek running in an approximately east to west direction, roughly bisecting said property into north/south halves.

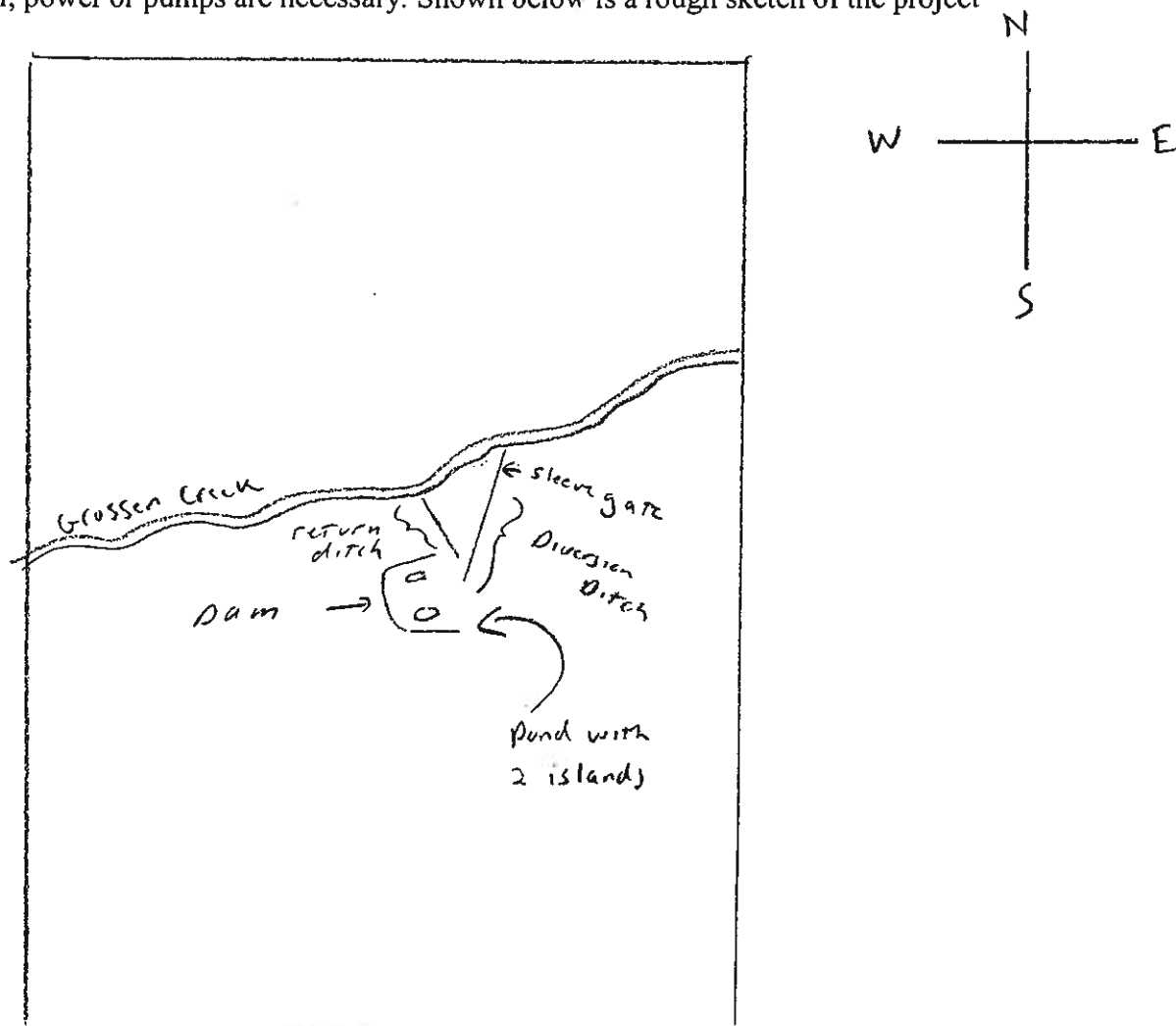
Dimensions of pond were arrived at in consultation with IDWR representatives John Falk, Dam Safety Manager, and Sonny Hornbaker, Geologist, as well as Water District 67 Watermaster Brandi Horton.

Proposed project consists of a stock-water storage pond less than one acre in extent, being approximately 185' by 200' or 37,000' square feet of surface area. Two islands approximately 200 square feet (total of 400 square feet) will further reduce surface area and loss from evaporation.

Pond will be located on south side of Grossen Creek, approximately half way between the east/west boundaries of said property.

A diversion channel approximately 36" wide with adjustable sleeve gate will divert water into the pond. A spillway will allow excess water to return to Grossen Creek, and will also prevent pond from overfilling. At the direction of John Falk of IDWR, the spillway shall be at least the same width as the diversion channel, be located on natural ground, allow for a minimum freeboard of two feet, and limit reservoir capacity to no more than 10 acre feet. However, as indicated on page one of this application, total acre feet will be less than that, and minimum freeboard will be closer to three feet.

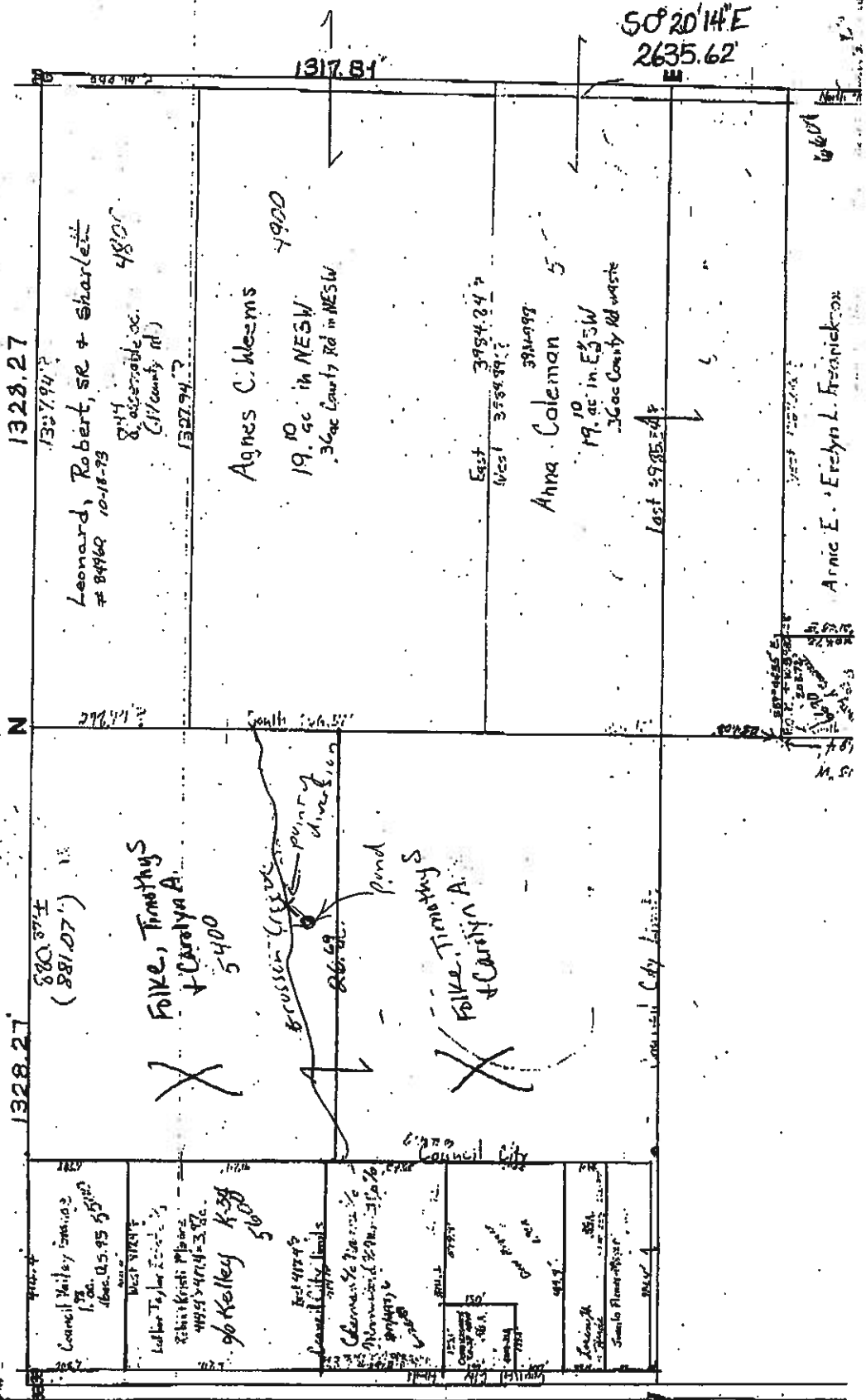
No well, power or pumps are necessary. Shown below is a rough sketch of the project



ASSESSOR'S SUB-DIVISION OF SW SEC 11 TWP 16 N. RGE. 34 E. B.M.

Survey # 66034

S89°48'37"E
2656.54'



1320.055
50°22'45\"/>

50°22'45\"/>

EXHIBIT 'A'

PARCEL 1 (North parcel)

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Section 11: A tract of land in the NW1/4SW1/4 of Section 11 more particularly described as follows:

Commencing at a point on the North line of said NW1/4SW1/4 of said Section, Township and Range that is East 417.4 feet from the point of intersection of said North line with the East line of the right-of-way of U.S. Highway 95 as now established;

Thence East on and along the said North line 880.87 feet, more or less, to the Northeast corner of said NW1/4SW1/4;

Thence South, on and along the East line of said NW1/4SW1/4, 660 feet, more or less, to a point;

Thence West, parallel to the North line of said NW1/4SW1/4, a distance of 880.87 feet, more or less to a point;

Thence North, parallel to the East line of the NW1/4SW1/4, a distance of 660 feet more or less, to the Real Point of Beginning.

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Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

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Commencing at the Northeast corner of said NW1/4SW1/4;

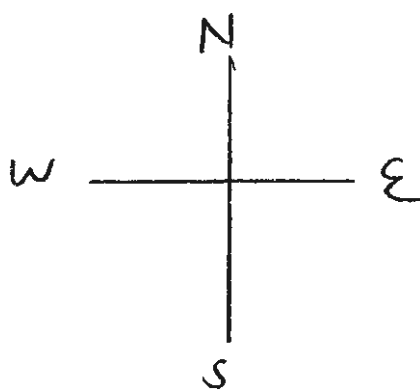
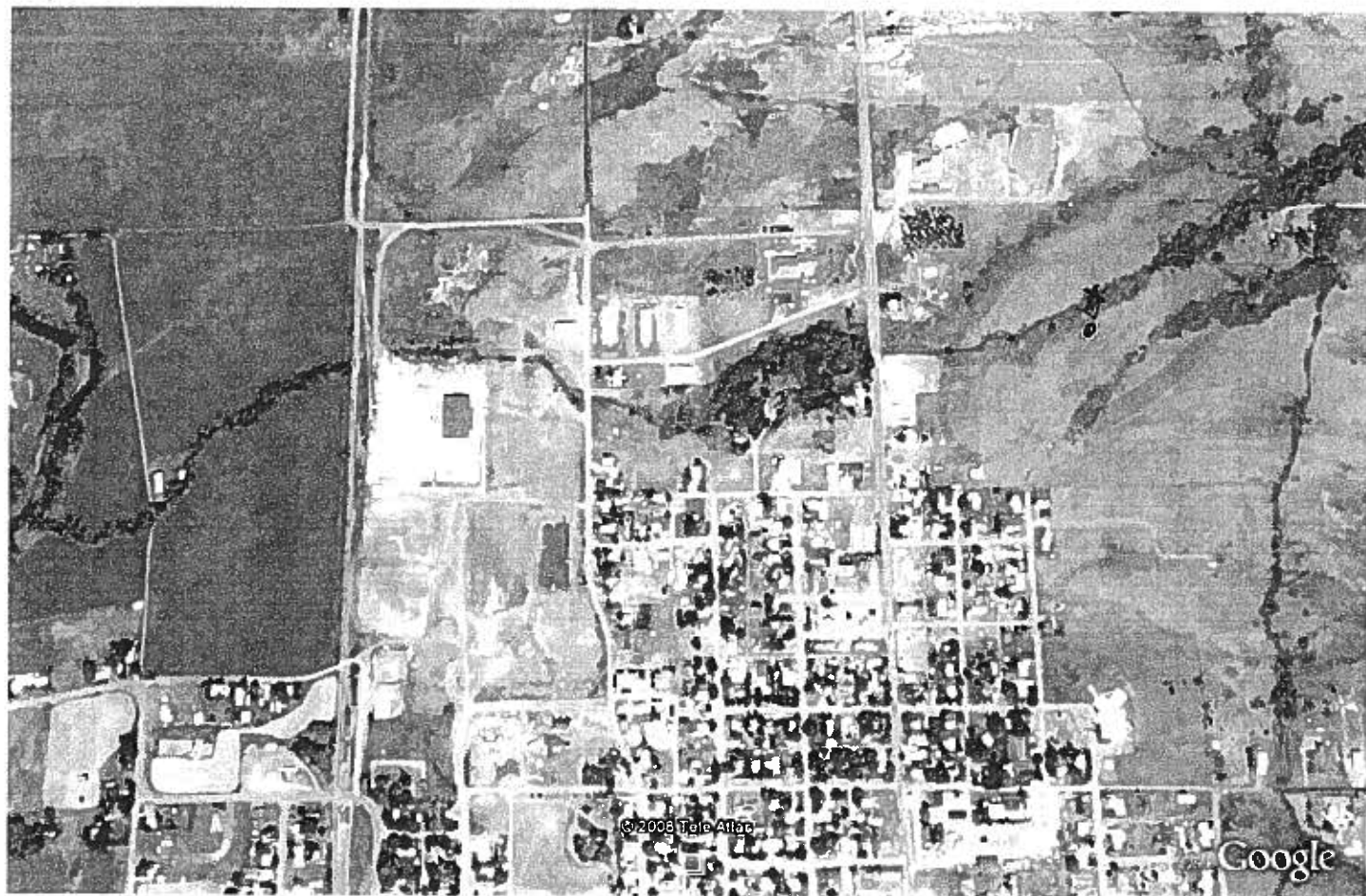
Thence South, along the East line of said NW1/4SW1/4, 660 feet to the POINT OF BEGINNING;

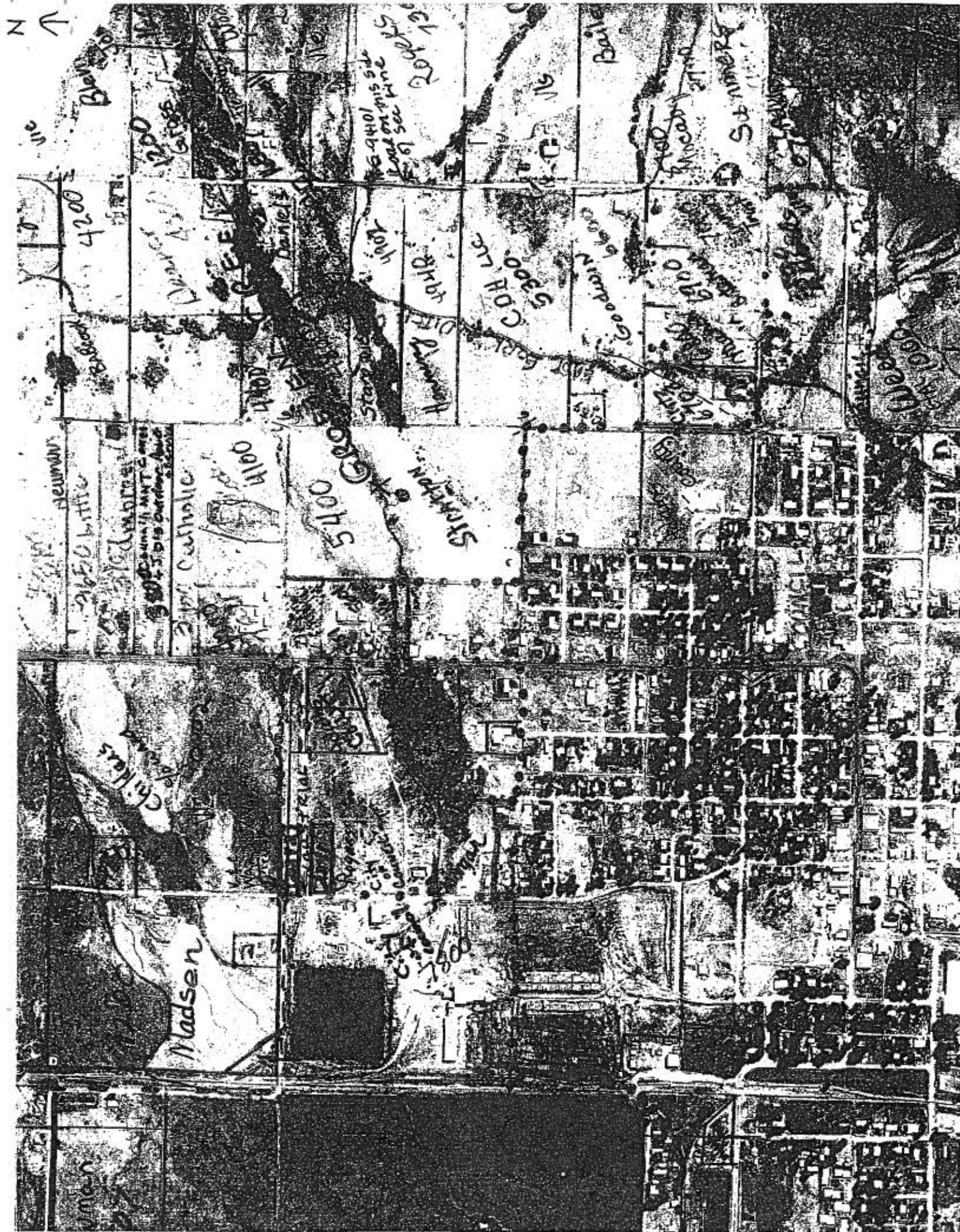
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RECEIVED

FORM 202 10/07

OCT 15 2008

Ident. No. 67-14975

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tim & Carolyn Folke Phone 208-642-1417
Mailing address PO Box 100 Payette, ID 83661 Email tsfcpa@srvinet.com
2. Source of water supply Grossen Creek which is a tributary of N. Fork of Weiser River
3. Location of point of diversion is Township 16 North Range 1 West Sec. 11, in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, n/a $\frac{1}{4}$, Govt. Lot n/a, B.M., Adams County;
additional points of diversion if any: (none) - see attached legal description & narrative.
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>70 Acre</u> ' for <u>livestock pond</u> purposes from <u>Mar. 1</u> to <u>Dec. 1</u> (both dates inclusive) | |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| (cfs or acre-feet per year) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| (cfs or acre-feet per year) | |
5. Total quantity to be appropriated is (a) .13 cubic feet per second and/or (b) 70 acre feet per year
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Diversion ditch approx. 36" wide with adjustable sleeve gate. No pump, well or power needed.
- b. Height of storage dam 6' max. feet; active reservoir capacity Three acre-feet;
total reservoir capacity Four acre-feet
- c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
- d. Is ground water with a temperature of greater than 85°F being sought? No.
- e. If well is already drilled, when? n/a; Drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. approx. 12 beef cows, 2 to 4 horses.
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. n/a
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	1W	11							1										1
									S										

Total number of acres to be irrigated: n/a

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a - none.

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- b. Who owns the land to be irrigated or place of use? Tim & Carolyn Folke
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carolyn Folke

Tim Folke

Signature of Applicant

Carolyn Folke - owner

Tim Folke, Owner

Print Name (and title, if applicable)

For Department Use:

Received by Jah Date 10-15-08 Time 12:35 PM Preliminary check by V-MUGIC
 Fee \$ 250 Received by DB Receipt No. W036988 Date 10-15-08

Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____ Dates Published _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

12. (Proposal described in narrative form.)

Please refer to attached maps and legal description. Subject property comprises two 13+ acre parcels (total of approximately 26.5 acres adjoining north/south) with Grossen Creek running in an approximately east to west direction, roughly bisecting said property into a north/south halves.

Proposed project consists of a pond approximately 1 (one) acre in extent, with three islands on the pond to reduce surface area, for livestock use. Pond will be located on the south side of Grossen Creek, approximately half way between the east/west boundaries of said property.

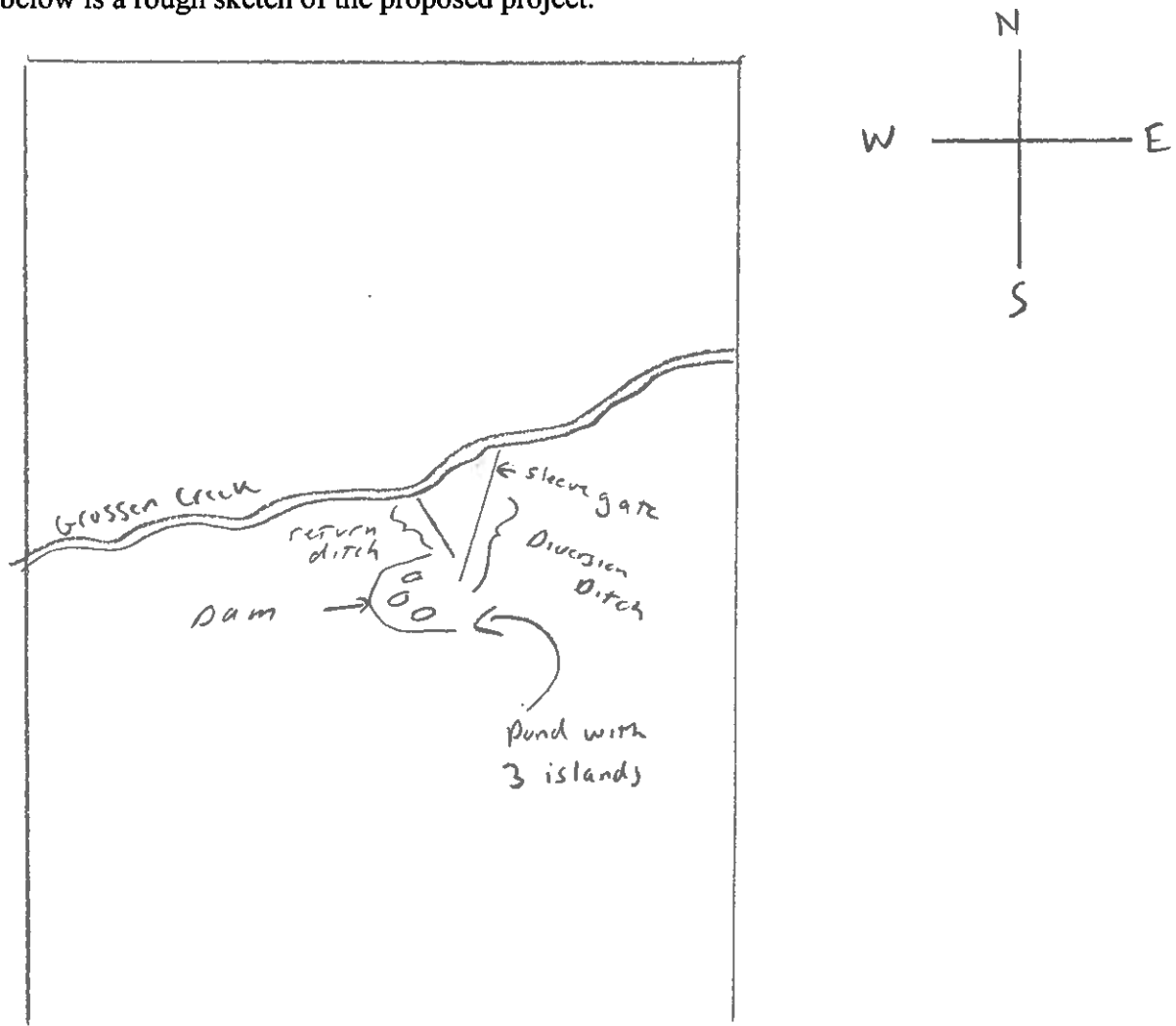
A diversion ditch approximately 36" wide with an adjustable sleeve gate will divert water to the pond which, when full, will return any overflow back into Grossen Creek.

The terrain lends itself naturally to such a pond. The maximum height of the dam, on the east end, would be six feet, although the terrain allows for the pond filling to capacity without significant encroachment on the dam.

Access by animals will be on the shallow (west) end of the pond which, along with selective fencing, will encourage animals to use the pond rather than the creek itself, thus reducing waste and silting in the creek.

No well, power of pumps are necessary in the proposed project.

Shown below is a rough sketch of the proposed project.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 14, 2009

KEVIN MADSEN
2076 N GALENA RD
COUNCIL ID 83612

Re: Application No(s). 67-14975

Dear Mr. Madsen:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by September 8, 2009.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s).

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive style.

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Friday, August 14, 2009 1:04 PM
To: 'Brandi Horton'
Subject: Comment Letters for 67-14975 & 67-14992
Attachments: Comment Letter to WD67 (2 apps).doc; 67-14975 APP.pdf; 67-14992 APP.pdf

Please review the attached information and comment as necessary. Please do not hesitate to contact our office if you have any questions regarding the attached information.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

8/14/2009

August 14, 2009

BRANDI HORTON, WATERMASTER 67
2574 SCHOOL RD
MIDVALE ID 83645

Re: Application No(s): 67-14975 & 67-14992

Dear Watermaster:

Attached are copies of one or more applications that may be of interest to you.

Please complete the necessary recommendation form(s) and return to this office within 21 days of the date of this letter. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

If after 21 days from the date of this letter the Department has not received your written recommendation, the Department will presume you do not oppose approval of the application and you have no comments for the Department to consider.

However, possible approval of the application(s) will include conditions of approval about standard controls for uses in your water district (lockable, measureable diversion works, etc).

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure Copy of Applications(s)

Buffington, Denise

From: Buffington, Denise
Sent: Friday, August 14, 2009 12:53 PM
To: 'rward@idfg.idaho.gov'
Subject: Comment Letters: 57-11765, 63-33130 & 67-14975
Attachments: Comment Letter to IDFG (3 apps).doc; 57-11765 APP.pdf; 63-33130 APP.pdf; 67-14975 APP.pdf

Please review the attached information and comment as necessary. Please do not hesitate to contact our office if you have any questions regarding the attached information.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

8/14/2009

August 14, 2009

RICK WARD
ENVIRONMENTAL STAFF BIOLOGIST
ID DEPT FISH & GAME SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Water Right Application(s): 57-11765, 63-33130 & 67-14975

Dear Mr. Ward:

Attached are copies of one or more applications that may be of interest to your agency. Please contact the applicant(s) if your agency has concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by September 8, 2009.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 12, 2009 2:50 PM
To: Record (legals@theadamscountyrecord.com)
Subject: LEGAL NOTICES - ADAMS COUNTY

Attachments: Adams County Ads - Cover Letter.doc; 67-14975 Ad.doc; 67-14992 Ad.doc; 67-15004 Ad.doc; 67-15007 Ad.doc; 78-12351 Ad.doc; ~~79-14205 Ad.doc~~

Attached please find ⁵(5) legal notices being submitted for publication. If you have any questions or are not able to run the notices on the dates requested, please contact me immediately.

Thank You in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

NOTE: 79-14205 SHOULD NOT HAVE BEEN ATTACHED / SENT TO ADAMS COUNTY, THE RECORD. SHOULD HAVE GONE TO IDAHO COUNTY FREE PRESS. NOTIFIED ADAMS COUNTY AND THEY CONFIRMED, THEREFORE WILL NOT PUBLISH IT.

DB

8-12-09

3:15 pm

8/12/2009

August 12, 2009

LEGAL NOTICE DEPARTMENT

THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Application For Permit No.: 67-14975, 67-14992, 67-15004, 67-15007 & 78-12351

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/8/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

Hi Vicki -

Here it is!

It has original
signatures of all
as per advice of
yourself, John Falk,
Sunny Hornbaker &
Watermaster Brandi,
Horton. Tim

PS - we'd like to
move as quickly as
possible so please let
me know ASAP if
I can do anything
else,

attached to amended application 6/15/09

That is what I though you meant. I will continue to process and hopefully by having this email in the file, it will be fine.

Vicky Music

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

From: Tim Folke [mailto:tsfcpa@srvinet.com]
Sent: Monday, June 15, 2009 3:12 PM
To: Music, Vicky
Subject: RE: 67-14975

Sorry! There is no irrigation involved. I was just doing the best I can. What I meant was that the pond surface area would be (approximately) one acre. It is actually less than that, as shown on the narrative, but the instructions did not say we should go to fractions of an acre. I hope this mistake does not require another written amendment! Please let me know, as I have to leave for a week out of town tomorrow morning. Again, no irrigation is involved, just stockwater storage and diversion to said storage, as shown on page 1, item #4.

Tim

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

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 15, 2009 2:19 PM
To: Tim Folke
Subject: RE: 67-14975

Hi Tim - I received the application and will move in it. I see that on page 2 item 9[a] in the place of use description, you put "1" as in 1 acre irrigated - what did you mean by that?

Vicky Music

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

From: Tim Folke [mailto:tsfcpa@srvinet.com]
Sent: Monday, June 15, 2009 6:46 AM
To: Music, Vicky
Subject: 67-14975

Good Morning Vicky:

The amended application, with original signatures, was mailed to you last Friday. Would you please confirm via email when you are in receipt?
Thanks a bunch!

Tim



Dam Safety Section

RECEIVED

JUN 10 2009

WATER RESOURCES
WESTERN REGION

COPY

INTEROFFICE MEMORANDUM

TO: Dam File 67-xxxx

Reviewed: 

FROM: John Falk, PE

DATE: June 8, 2009

SUBJECT: Grossen Creek Impoundment

On Friday 6/5/09, I accompanied Sonny Hornbaker to verify that the referenced reservoir had been lowered from the previous day's pool level that was estimated to be one-half foot below the top of the embankment dam. The weather was mostly cloudy and dry (~70°), but the ground was damp from earlier rain showers. We introduced ourselves to Mr. Don Ray (sp?) who was operating a portable pump that was drawing water out of the reservoir and discharging into Grossen Creek. A pump was required to lower the reservoir due to the lack of either a low-level outlet pipe or a well-defined emergency spillway. The reservoir is located in Section 11, T16N, R1W, Adams County (Figure 1). It is constructed out-of-channel, and is filled via a diversion ditch from Grossen Creek. For safety purposes, the feeder ditch had been plugged with site soils yesterday; therefore, the means to fill the reservoir had been eliminated which significantly reduced the threat of dam failure by overtopping.

At the time of our arrival (~10 am), the water surface was measured by hand level/ tape measure and found to be 3.8 feet below yesterday's high water mark. Likewise, the line of seepage on the downstream slope(s) was observed to be several feet lower than evidenced from yesterday's photographs. Other measured dimensions included the embankment height (~9.5 feet) and a crest width that varied between 6 and 10-feet. The surface area of the reservoir at yesterday's maximum capacity is 1.3 acres, as measured by GIS survey. The embankment appeared to be constructed with site soils consisting of reddish-brown silty clay with variable amounts of gravel, up to and including 6" diameter sub-rounded cobbles. The downstream slope is estimated to resemble 2.5:1 steepness; the upstream slope is about 3:1. As reported by neighbors, the construction of the pond began last autumn (2008) with a D8-H dozer that pushed material up from within the confines of the reservoir into a perimeter berm (cut and fill method).

Based on our observations and site measurements, the above-ground maximum storage capacity of the existing reservoir at the top of the dam is approximately 6.5 acre-feet, based on the formula: (SA x Dmax) multiplied by 0.5 reduction factor. Although we could not observe the bottom of the pool, an additional 2 acre-feet of reservoir capacity is estimated

to exist below the surrounding grade due to excavation of material for construction of the embankment. Prior to leaving the site, we took several photographs of the downstream area(s) where water from an overtopping/breach likely would travel. At full pool, the project is rated a Significant-hazard dam due to its location and distance relative to downstream residences and U.S. Highway 95. With the pool lowered to provide four (4) feet of freeboard, the hazard rating is reduced to Low.

During the return trip to the office, we stopped to visit with the owner, Timothy Folke, 11501 Highway 95 (PO Box 100), Payette 83661. We advised the owner that continued pumping of the reservoir could be discontinued conditional to the reservoir not being allowed to refill, and provided that no additional construction is performed on-site without prior approval from IDWR Dam Safety. Further, we stated that a letter would be forthcoming from IDWR listing the options available for obtaining a water right and approval to store water behind this dam. Mr. Folke and his wife both were agreeable to our recommendations, and indicated that they would comply fully. We returned from the field approximately 1:30 pm. The following photographs from our day's visit are included to help illustrate site observations and dimensions.



Photo 1 (6-5-09) - View looking north along the western, centerline axis of the existing embankment dam. The pool level is approximately 4 feet lower than first observed yesterday when it was within just a few inches from overtopping the dam, as indicated by dashed line. At its narrowest dimension, the dam crest is only about 6 feet wide. Construction materials were obtained from the pool area and pushed up to create the perimeter embankment. The dam was built without IDWR dam safety approval; neither was it designed by a licensed professional engineer.



Figure 2 (6-5-09) - View looking westward along the northern side of the dam, taken from near the diversion ditch. The portable pump is discharging water from the reservoir into Grossen Creek.



Figure 3 (6-5-09) - View looking east from the Cenex parking lot, upstream toward the existing dam. Along the distant fence-line is a 2-ft high berm that would serve to divert water resulting from a dam failure north toward Grossen Creek, or south into a smaller drainage adjacent to a subdivision.



Figure 4 (6-5-09) - View looking upstream in a north-east direction at the existing dam. The photo was taken near an existing barn located adjacent to a residential subdivision.



Figure 5 (6-5-09) - View looking downstream at the small drainage that would receive much of the discharge from a dam failure. Note the location of the barn and residences (mentioned above).

Lester, Steve

From: Hornbaker, Sonny
Sent: Monday, June 08, 2009 8:13 AM
To: Lester, Steve
Subject: Updated copy of Grossen Creek Map

Attachments: Grossan Creek Dam.pdf

Steve,

I just realized that you might need accurate location descriptions. So I included one for the dam and one for the Point of Diversion.

Sonny



Grossan Creek
Dam.pdf (2 MB)

draft/notes while jfw gone

NOTES WHILE JFW GONE

-JL 6/5/09

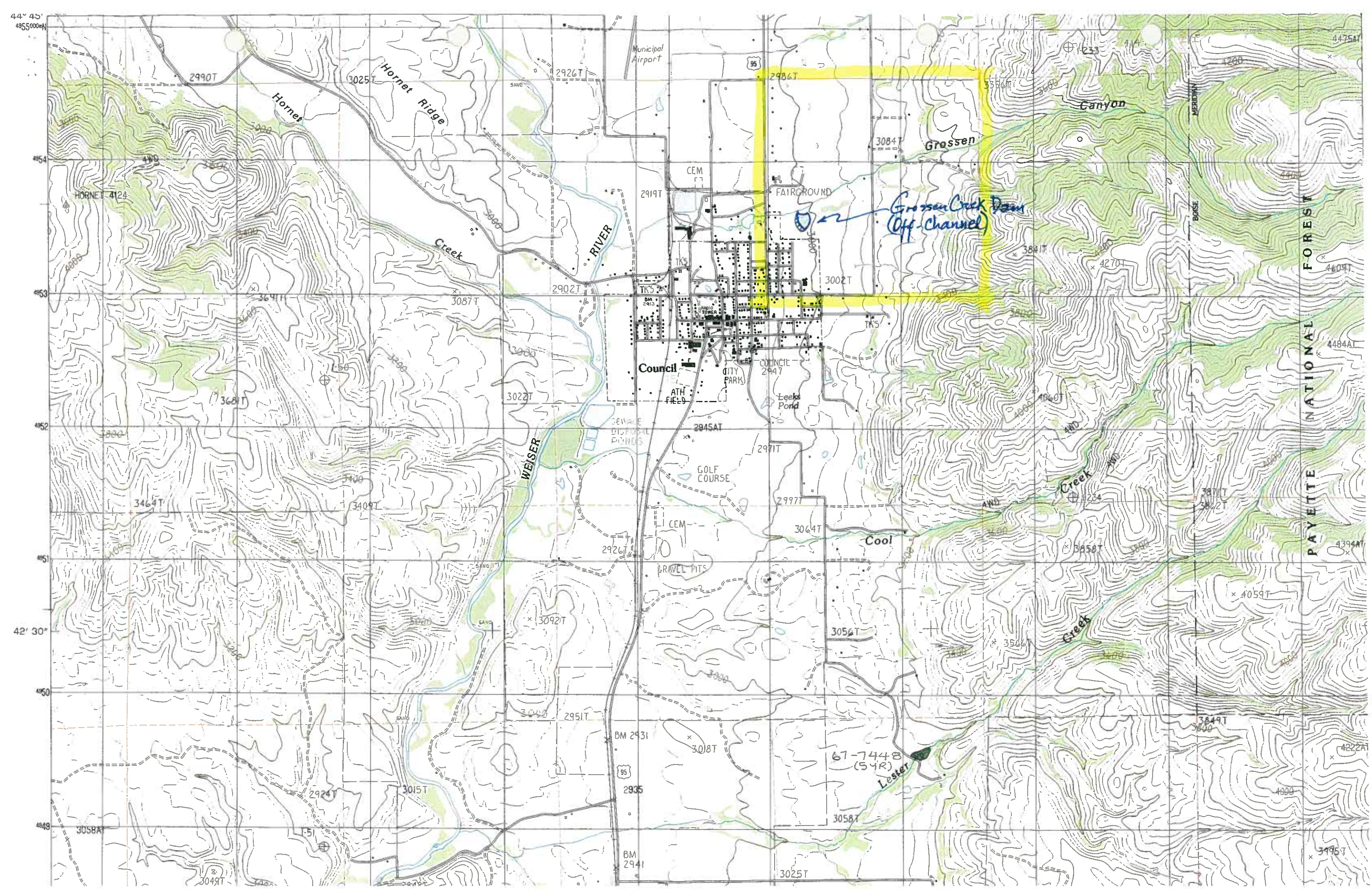
Council ponds

6/5 Cheryl Riggan 208-253-4442 called from Council, questions about "state engineer" pumping water from ponds by her place yesterday, rumors around town, what's up. Told her I'd check & call her back.

Sonny - site visit 6/4 (& 6/5?) w/ WM, Leonard pond too big & still diverting to pond, concerns about spillway etc. An incident, not an emergency. Got ok from Gary-Chuck-John F to get pumps, close off diversion so no more Q can go pond, pumped pond down (pump back to Grossen Ck.) until stability achieved.

SO will follow up with letter to owner about do's & don'ts, no more diversion to pond until proper things in place etc.

I called Cheryl & passed on this info.



Westra, John

From: Falk, John
Sent: Monday, June 22, 2009 9:57 AM
To: Galloway, Chuck
Cc: Hornbaker, Sonny; Westra, John
Subject: RE: Grossen Creek, Council, ID

Test 1: Does the project exceed statutory size dimensions? "NO"

Test 2: Is the project a threat to DS life and property? Initially, "YES".....it was estimated to be a potential threat to downstream property (Significant).

However, owners agreed to lower the pool, reduce storage capacity and modify the structure per IDWR Dam Safety recommendations. The reduced storage moves the project into a Low-hazard category. IDWR dam safety will verify structure has been modified, and after we have confirmed that the recommended changes have been properly implemented we will put the dam on the INACTIVE list in our inventory, i.e. it is not expected to be jurisdictional.

We did not require design drawings, because: A) Test 1- too small, and B) the fact that it was IDWR who ordered the owner (in other than a contested case) to make specific modifications that would place the dam in Low-hazard status. I realize it is not perfect, but there is no way we (DS) would ever get administrative backing for enforcement of design/construction drawings for this little fry when we cannot get buy-in for those big whoppers of true concern. Thanks ---jf--

From: Galloway, Chuck
Sent: Monday, June 22, 2009 8:05 AM
To: Falk, John
Subject: RE: Grossen Creek, Council, ID

John, is structure jurisdictional? If so are we requesting design/construction drawings? If not, do we make it jurisdictional because of the homes immediately downstream or do nothing due to the small volume of water stored? Chuck

From: Falk, John
Sent: Thursday, June 18, 2009 10:58 AM
To: rdhlhl@ctcweb.net
Cc: Marshall, Aaron; Music, Vicky; Hornbaker, Sonny; Galloway, Chuck; Shaff, Don
Subject: Grossen Creek, Council, ID

Thank you for your email.

I've attempted to answer your questions, as shown (below) within the body of your text. --John Falk, IDWR Dam Safety

From: Robert & Harriet Lawrence [mailto:rdhlhl@ctcweb.net]
Sent: Wednesday, June 17, 2009 11:22 AM
To: IDWRInfo
Subject: Water Diversion

A year or so ago a pond was built northeast of Council, Idaho on property owned by Timothy and Carolyn Folke who have a mailing address of PO Box 100, Payette, Idaho 83661.

6/22/2009

Recently the pond in question started leaking and I understand the State of Idaho and possibly you are a bit concerned about that problem. Today I discovered that as a temporary measure the pond's source of water which is Grossen Creek was diverted to the East Fork Ditch and that is causing a problem because the East Fork Ditch was not designed to handle runoff water from Grossen Creek. It has been a number of years since the part of the ditch that runs through Council has been cleaned and the extra water is causing a problem for the people of the City of Council. There is simply just too much water flowing down the East Fork Ditch at times.

Did the pond builders in question go through the right channels to build the pond in the first place? **As experienced by many owners of real property in Idaho, their property deed often makes reference to appurtenant water rights but many times the water rights are not valid due to subdivision of the original parcel. Water rights do not transfer automatically!!! Even though the property deed may make such a statement, in most cases it is the terms/conditions/language of the actual water right that has precedence. Or, if the water rights are valid sometimes the manner of use to which the new owners have applied the water does not reflect the conditions of the original water right. I understand the property owners have made application with IDWR for a water right for their intended purposes.**

If so, does not someone have to follow up on on the construction to see if it is done properly? **Construction monitoring is performed for dams equal to or greater than 10 feet height or reservoirs equal to or greater than 50 acre-feet storage capacity (Idaho Code 42-1711). Smaller sized structures usually are investigated only on a case-by-case basis depending on the perceived threat to downstream life and property.**

Can they legally divert water to another drainage without permission? **In most instances any use, diversion, or misappropriation of water absent evidence of some variety of a valid water right, decree or specific exemption is not legal per Idaho water law.**

If the pond in question has not been finished and fails to the extent of harming property below it, who pays for the problem? I understand that the pond in question is filling up again. **The dam owner is responsible for its safe operation and potentially is liable for damages to downstream life and property attributed to the dam in the event of a failure and sudden release of water. Any claim for damages made by individuals against the dam owner likely will be required to file suit in District Court (federal district court if federal property involved). I understand the owners have agreed to reduce the amount of reservoir storage and to make other recommended improvements to the dam.**

I live downhill from the East Fork Ditch which is leaking and causing a problem for us. **Similar to dams and reservoirs, the owners of the ditch also may be held liable if it can be shown that their negligence in properly maintaining the works resulted in damage to neighboring properties.**

Music, Vicky

From: Falk, John
Sent: Wednesday, June 17, 2009 8:02 AM
To: Music, Vicky
Cc: Hornbaker, Sonny
Subject: RE: Tim and Carolyn Folke application 67-14975

Hi Vicky

Thanks for asking. You are the one who picked the lucky card?

My suggestions are:

- Advise the applicants to ask for 5.0 acre-feet active (above ground) and 6.0 acre-feet total reservoir storage
- List the maximum height of the embankment as 9.5 feet, to include no less than 2-feet of freeboard between maximum water level and the lowest point along the crest of the dam.

These changes might help avoid future confusion. For example, our cursory field measurements on 6/5/09 determined an embankment height ~9.2 feet and active reservoir storage ~ 6.5 acre-feet or less. While it is true that a lower pool level will result in a smaller reservoir capacity, it's unlikely that the owners will go to additional expense to lower the embankment height along its entire length.

So, if the application states (as it does now) that the height is only 6-feet, then there may be a problem down the road if someone mistakenly assumes that the embankment has been enlarged on the sly. For future enforcement purposes, it's always much easier to accurately measure the dam height than to accurately measure the volume of water in an oddly shaped bowl. I believe it's better now to state the existing dam height as close as possible, and clearly indicate that at least *two feet of freeboard shall be maintained at all times* (as they have included in the narrative, Line 12),

Likewise with the reservoir storage: it's much easier at the time of Licensure to revise a permit/claim to authorize less water instead of vice-versa. Active storage of 5 ac-ft (corresponding approximately to 9.5' dam height minus 2' freeboard) will still keep the hazard rating "Low". And even though the dam height is greater than six feet, this small amount of reservoir storage will still avoid triggering the dam safety rules.

Hope this helped. Please give me a call if you have any questions. Thanks -jf--

From: Music, Vicky
Sent: Tuesday, June 16, 2009 4:49 PM
To: Falk, John
Subject: Tim and Carolyn Folke application 67-14975

Hi John -

Tim and Carolyn Folke filed an application 10/15/2008 for a pond with POD from Grossen Creek and amended the application this week. The application has been assigned to me for review and processing.

I have read your memo and letter to Mr Folke, both dated June 2009. Via this email, I am soliciting your comments and concerns about the attached amended application.

If you could please respond by July 1, 2009, it would be great. Thanks -

<< File: img-616164347.pdf >>

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way



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

June 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Timothy S. Folke, CPA
PO Box 100
Payette, ID 83661

COPY

RECEIVED

JUN 11 2009

RE: Grossen Creek Dam

IDWR File 67 WATER RESOURCES
WESTERN REGION

Dear Mr. Folke:

Thank you for meeting with me and Sonny Hornbaker last Friday, 6/5/09 regarding possible alternatives for mitigation of the potential hazard that the referenced project presents to downstream neighboring properties. As discussed, the existing earthen structure located in Section 11, T16N, R1W, Adams County is unsatisfactory for the impoundment of water, as determined by the Idaho Department of Water Resources (IDWR) Dam Safety program. We appreciate your efforts to promptly lower the pool and to refrain from re-filling the reservoir until such time that both 1.) A valid water right has been secured for the facility, and 2.) The dam has been determined suitable for the resumption of water storage.

Although the dam is not particularly large, it is located upstream and relatively close to several occupied residences and U.S. Highway 95. In addition, the embankment apparently was not built in accordance with dam safety standards described per Idaho Administrative Procedure Act Rule (IDAPA § 37, Title 03, Chapter 6). You indicated your intent to proceed with applying for a valid water right to divert live flow out of Grossen Creek into reservoir storage. After you have received a valid Idaho water right, you may exercise one of the following options in order to gain approval from the dam safety program to store water in the reservoir:

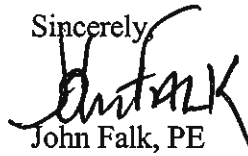
- A. Modify the embankment to a height six (6) feet or less, or limit the reservoir to store no more than 10 acre-feet of water. This may perhaps most easily be accomplished by constructing an emergency spillway to discharge water out of the reservoir via gravity flow. The spillway channel must have dimensions equal to or greater than the diversion channel that delivers water from Grossen Creek into the reservoir. The bottom of the emergency spillway (invert elevation) must be positioned to provide at least two (2) feet of freeboard as measured to the top of the dam, and it must be located in natural ground at an elevation that will restrict reservoir storage to 10 acre-feet capacity, or less. Further, we recommend the dam crest be leveled to a uniform grade, and nowhere be less than 10 feet wide.

- B. If you choose to impound more than 10 acre-feet of water in the reservoir, it will be necessary to reconstruct the dam in strict accordance with existing dam safety rules referenced above (IDAPA). Proper construction must be verified by representatives of IDWR dam safety program, or by a licensed professional engineer of your selection.

We look forward to learning your plans for proper resolution of the deficiencies identified with this dam and reservoir. Please be advised that failure to implement dam safety recommendations may result in enforcement action imposed by IDWR to drain the reservoir and breach the dam for benefit of public safety. Thank you for your cooperation.

If you have any questions, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "John Falk", written over the printed name.

John Falk, PE
Dam Safety Manager

cc: John Westra – Western Region
Brandy Horton – District 67 Watermaster
IDWR file

Lester, Steve

From: Hornbaker, Sonny
Sent: Monday, June 08, 2009 7:13 AM
To: Falk, John; Westra, John; Galloway, Chuck; Spackman, Gary; McLaughlin, Bob
Cc: Lester, Steve
Subject: Grossan Creek Dam Location Map and present state of condition

Attachments: Grossan Creek Dam.pdf

FYI

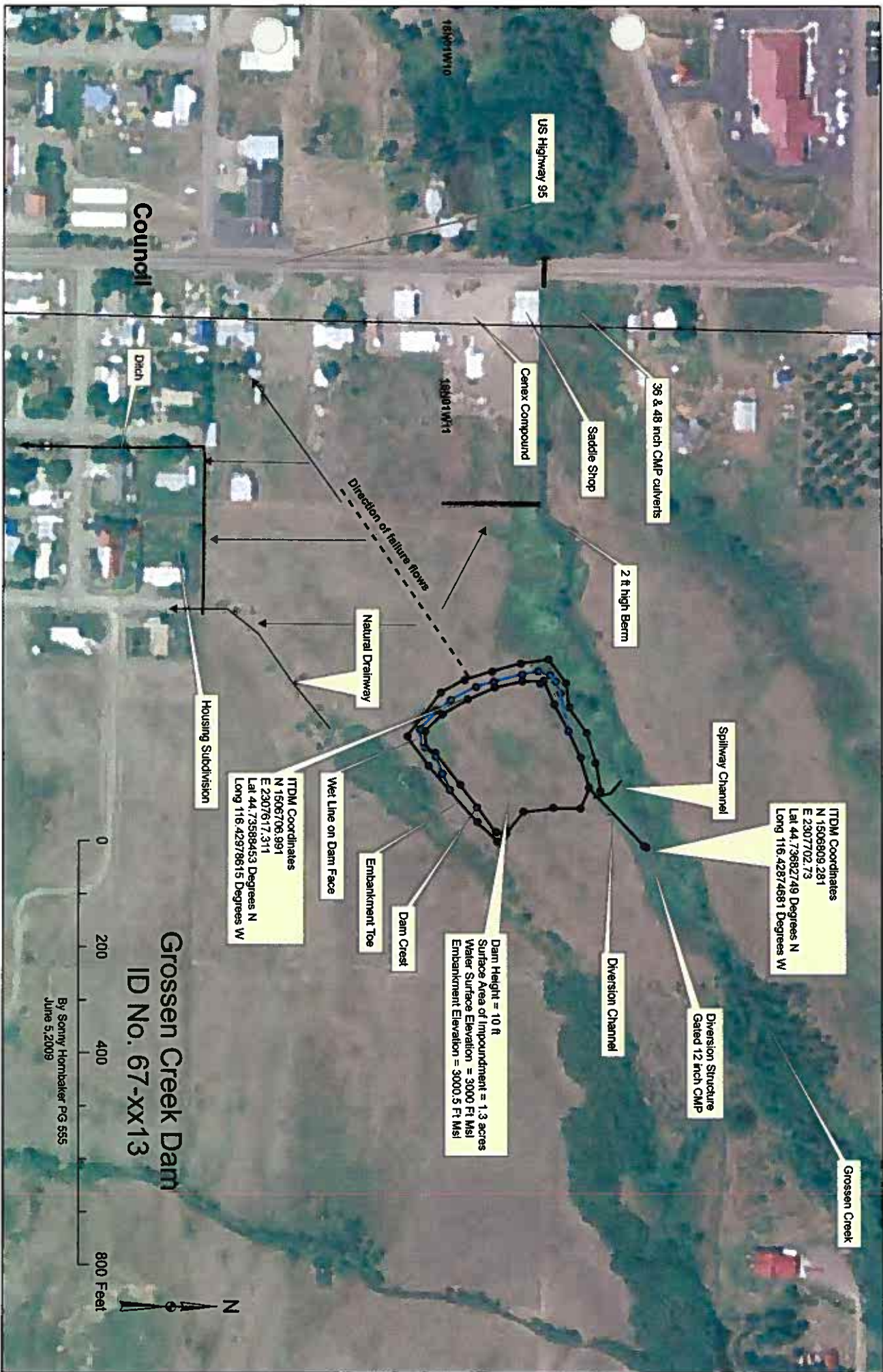
Attached is a map depicting the embankment location in relationship to structures and development within close proximity to the dam. As of Friday the water level has been pumped down approximately 4-5 feet below the dam crest. Approximately 50 - 60 % of the storage volume has been released in to Grosse Creek. Seepage through the dam showed signs of diminishing. I will be traveling to Council on Tuesday to resume my inspection schedule and will drop by and inspect the reservoir to make sure it remains at it present level or less.



Grossan Creek
Dam.pdf (2 MB)

Sonny

Now has Dam #, see photo



Music, Vicky

From: Tim Folke [tsfcpa@srvinet.com]
Sent: Monday, June 01, 2009 11:57 AM
To: Music, Vicky
Subject: Amended application for permit 67-14975

Attachments: 67-14975.PDF



67-14975.PDF (2 MB)

Dear Vicky:

Attached you will find a PDF copy of our amended application for permit 67-14975. All amended items are indicated with an asterisk* and are initialed by us. We hope this emailed amendment will be acceptable; however, if you require a 'hard' copy, we will be happy to submit one.

As mentioned previously, our original requested water usages (70 af per year) were grossly overstated, due simply to the fact that this is not our area of expertise. The dimensions of the pond, which you have requested, are (at maximum capacity) less than an acre, being about 195 feet by 210 feet, for a total of 40,950 square feet. Two islands reduce this surface area at least by another 500 square feet.

The amended figures for water usage (line item #4) and total amount appropriated (line item #5) were arrived at in consultation with Ron Shurtleff who is Watermaster of Water District 65 here in Payette. We have known Ron for some years. This is Ron's area of expertise, and it would not be an exaggeration to say that Ron has probably forgotten more about water than we will ever learn. We have great respect for Ron's knowledge on water issues.

The requested .04 cfs Flow-Through was also arrived at in consultation of a memorandum written by Jeff Peppersack on February 6, 2004 dealing with the consumptive use of ponds. This memorandum was sent to all regional offices of the Water Allocation Bureau from L. Glen Saxton on February 23, 2004.

Please note that, for purposes of this permit, total consumptive use is .02 cfs plus that attributed to surface evaporation.

Sincerely

Tim Folke

Carolyn Folke

Amended
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

12. (Proposal described in narrative form.)

Please refer to attached maps and legal description. Subject property comprises two 13+ acre parcels (total of approximately 26.5 acres adjoining north/south) with Grossen Creek running in an approximately east to west direction, roughly bisecting said property into a north/south halves.

DF CAF * Proposed project consists of a pond approximately 1 (one) acre in extent, with ^{three} ~~two~~ islands on the pond to reduce surface area, for livestock use. Pond will be located on the south side of Grossen Creek, approximately half way between the east/west boundaries of said property.

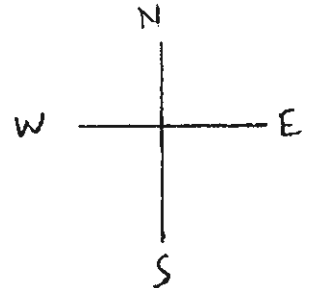
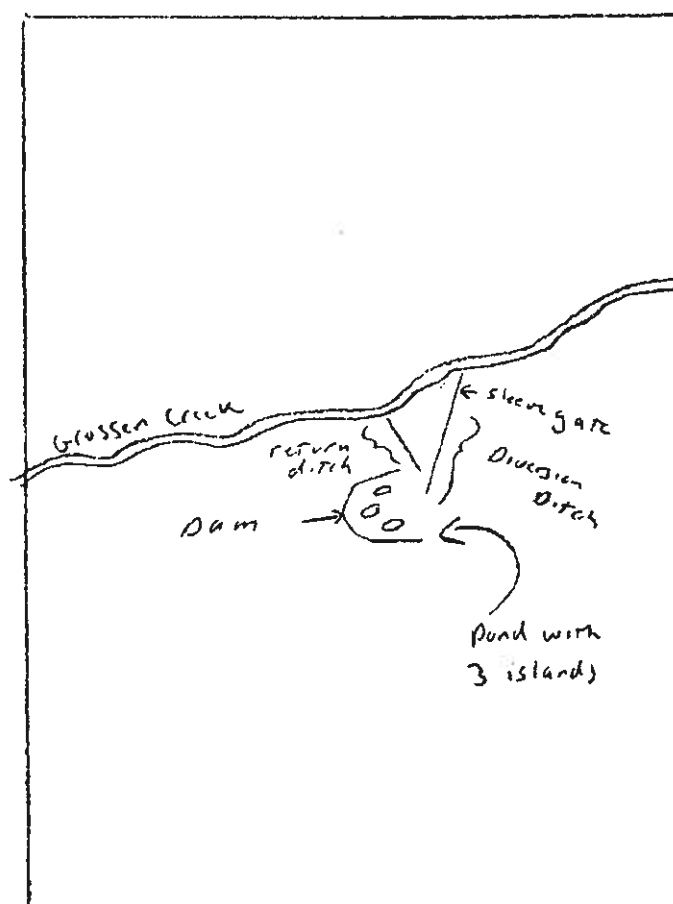
A diversion ditch approximately 36" wide with an adjustable sleeve gate will divert water to the pond which, when full, will return any overflow back into Grossen Creek.

DF CAF * The terrain lends itself naturally to such a pond. The maximum height of the dam, on the ^{west} ~~east~~ end, would be ^{eight} ~~six~~ feet, although the terrain allows for the pond filling to capacity without significant encroachment on the dam. At full capacity, pond is 195' x 210', or 40,950 square feet.

DF CAF * Access by animals will be on the shallow ^{east} ~~west~~ end of the pond which, along with selective fencing, will encourage animals to use the pond rather than the creek itself, thus reducing waste and silting in the creek.

No well, power of pumps are necessary in the proposed project.

Shown below is a rough sketch of the proposed project.



* As amended,

RECEIVED

FORM 202 10/07

OCT 15 2008

Amended

Ident. No.

67-14975

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tim & Carolyn Folke Phone 208-642-1417
Mailing address PO Box 100 Payette, ID 83661 Email tsfcpa@srvinet.com
2. Source of water supply Grossen Creek which is a tributary of N. Fork of Weiser River
3. Location of point of diversion is Township 16 North Range 1 West Sec. 11 in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, n/a $\frac{1}{4}$, Govt. Lot n/a, B.M., Adams County,
additional points of diversion if any: (none) - see attached legal description & narrative.

- * 4. Water will be used for the following purposes:

Amount 70 Acre for livestock pond purposes from Mar. 1 to Dec. 1 (both dates inclusive)
(cfs or acre-feet per year)
Amount 4.5 AF for Stockwater storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount .02 cfs for Stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount .04 cfs for Flow Through purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

- * 5. Total quantity to be appropriated is (a) 13 .06 and/or (b) 70 9 (nine)
cubic feet per second acre feet per year

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Diversion ditch approx. 36" wide with adjustable sleeve gate. No pump, well or power needed.
- b. Height of storage dam 6' max. feet; active reservoir capacity Three acre-feet;
total reservoir capacity Four acre-feet
- c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
- d. Is ground water with a temperature of greater than 85°F being sought? No.
- e. If well is already drilled, when? n/a; Drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a

7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. approx. 12 beef cows, 2 to 4 horses.
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

* As amended

Amended

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. n/a
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	1W	11							1										1
									S										

Total number of acres to be irrigated: n/a

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a - none.

11. a. Who owns the property at the point of diversion? Tim & Carolyn Folke
- b. Who owns the land to be irrigated or place of use? Tim & Carolyn Folke
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carolyn Folke
Tim Folke

Signature of Applicant

Carolyn Folke - owner

Tim Folke, Owner

Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 10-15-08 Time 12:35 PM Preliminary check by V-MUGIC
Fee \$ 250 Received by DB Receipt No. W036988 Date 10-15-08

Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____ Dates Published _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

May 29, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Kevin Madsen
2073 N Galena RD
Council ID 83612

RE: Ponds in the Grossen Creek Area

Dear Mr. Madsen:

Thank you for your e-mail expressing concerns regarding the construction of several ponds along Grossen Creek near the north east side of Council. I hope you have received the information requested earlier from Mr. Saxton at our State Office.

Your e-mail expressed concerns regarding the safety of the ponds and impacts to downstream development should there be a failure. Liability obligation for damages or injury falls with the property or operator of an impoundment (dam) facility, ref Idaho Code (IC) 42-1717. As soon as resources are available, our office will be sending a dam safety staff member to the pond sites to assess the construction integrity and downstream risk to property and people. When complete, the assessment and findings report will be forwarded to you.

Your other concerns rest with the impact of the ponds (water rights #67-0835 Leonard, #67-14248 City of Council) have on senior Grossen Creek rights. Conditions of approval on both permits state the following:

-Use of water under this water right will be regulated by the watermaster of State Water District No 67

-No water shall be diverted under this right after June 15 of each year without prior approval of the Watermaster.

-Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director cancel or revoke this water right.

Following the permit proof of beneficial use deadline, an on-site field examination will be conducted by the Department as part of perfecting a final water right license. The examination will confirm adherence to the conditions of approval and elements listed on the permit. Both permits are now eligible for a license examination.

Your concerns are appreciated; should you have further questions please contact me at the Western Regional Office, phone 334-2190.

Sincerely,


John Westra, Manager
Western Region.

Music, Vicky

From: Music, Vicky
Sent: Wednesday, May 27, 2009 3:54 PM
To: 'Tsfcpa@srvinet.com'
Subject: application for permit 67-14975

Attachments: letter.pdf; application.pdf

Tim and Carolyn Folke – please see letter regarding application and copy of application attached.
Thanks –



letter.pdf (72 KB)



application.pdf (505 KB)

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

May 28, 2009

via electronic mail ✓ *LM* 5/27

Tim and Carolyn Folke
PO Box 100
Payette, Id 83661
e-mail address: Tsfcpa@srvinet.com

Re: Application for Permit 67-14975

Dear Tim and Carolyn Folke:

The application referenced above, filed on October 15, 2008, has been assigned to me for review and processing. The application requests 70 acre-feet of water from Grossen Creek for a livestock pond. A copy of the application is attached hereto.

Grossen Creek is a tributary of the Weiser River and is administered by the Basin 67, Weiser River, Watermaster. Due to the historical problems with insufficient Weiser River water for senior water rights, tributary rights are shut off by the Watermaster on or around June 15 of each year.

If you decide to pursue this application and if it is approved, you will be able to divert water from Grossen Creek from March 15 to approximately June 15 of each year. We would send a letter to the watermaster soliciting input regarding whether the application should be approved or other comments and concerns. The approval would include conditions that the right is subject to watermaster controls, and a measuring device would be required.

So, the question is, do you want to pursue this application? If the answer is no, please contact me and I will send you a withdrawal form. We will refund your \$100 application fee.

If the answer is yes, I need the following additional information.

- the dimensions of the pond;
- your calculations for the 70 acre foot of water use (application item nos. 4 and 5) and the .13 cfs (item no. 5);
- application must be amended in the IDWR office to reflect the correct uses (item no. 4) which are diversion to stockwater storage (cfs) and stockwater storage (acre feet); and,

- why 70 acre-feet is needed for 16 head of mixed stock if the active pond capacity is 3 acre-feet.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. Your request for more time to seek the information, or the information sought herein must be received by June 29, 2009. The application will be voided without a timely written reply.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to this matter.

Sincerely,



Vicky Music
Sr, Water Resource Agent

Enclosure: application for permit 67-14975