

October 21, 2008

Memorandum For Record:

SUBJECT: Dam Repair for Permit 95-8457 (Finman) & Recommendation for 95-8457 License

Repair of a concrete dam was reviewed during the 95-8457 (Finman) licensing process to determine if repair would injure Water Right Permit 95-8858 (Sylte Ranch) by cutting off water to a 95-8858 Point of Diversion (POD). Evidence from the 95-8457 Field Exam and analysis of IDWR information indicate that the dam repair should proceed and Finman should not be required to supply or convey water for Sylte.

Prior owners established many overlapping water rights and water systems on the Finman property. Many water structures have fallen into disrepair and been severely damaged or destroyed by root growth, vandalism and logging activity prior to Finman's ownership. IDWR tried to complete the 95-8457 Field Exam in August 2007 but was unable to confirm that beneficial use occurred in accordance with the Permit until August 2008. Members of the Marvin K. Willadsen family (prior owners) completed some repairs in August 2008 that allowed IDWR to confirm irrigation use on the 95-8457 Point of Use (POU).

The 95-8457 concrete dam is described in the Permit application and located within a heavily wooded and rugged area in GOVT Lot 2, SWNW, Section 30, T52N R04W. The dam faces south. IDWR's August 2008 Field Exam found an old hole on the western side of the dam which allows all water to pass through. How and when the hole came into existence is not shown in IDWR records and has not been determined.

Two adjacent parallel ditches / unnamed streams begin at the dam on an alluvial fan and flow south. The dam and streams are not visible on U.S.G.S. maps. The ditch / unnamed stream on the west (right) runs south onto the Sylte property. The eastern (left) ditch / unnamed stream turns over 90 degrees to the east and drains down a small valley into irrigation storage ponds. Repairing the hole in the concrete dam will allow water to be impounded for 95-8457 and water to be diverted down the valley to the east for irrigation in fields adjacent to Rathdrum Creek. Existence of the dam and ditch / unnamed stream leading to the storage ponds is documented by Willadsen's April 16, 1976 protest against 95-7592 and April 30, 1976 claim to Statutory Right 95-4358. 95-4358 was not filed on during the Twin Lakes Adjudication.

Pipelines are described in Willadsen Permit Applications 95-7719 and 95-8457. Both Applications show a pipeline leading to the storage ponds. A unlabeled pipeline leading toward Sylte's property, in addition to a labeled pipeline to the storage ponds, may be shown on the 95-7719 application. Water was seen falling into a vertical pipe that may be part of a pipeline during the August 2008 Field Exam. The vertical pipe is located a short distance south of the dam and east of the two ditches / unnamed streams. The destination of water which falls into the vertical pipe is consistent with Permit 95-8457 but unconfirmed.

License 95-7719 (Willadsen) & Permit 95-8457 (Finman) are senior to 95-8858 (Sylte) as shown below:

<u>Status</u>	<u>Water Right</u>	<u>Current Owner</u>	<u>Priority</u>	<u>Proof of Beneficial Use Dated</u>
LISC	95-7719	Willadsen	April 11, 1977	June 1, 1982
Permit	95-8457	Finman	August 20, 1984	August 31, 1989
Permit	95-8858	Sylte Ranch	April 27, 1994	August 5, 1998

I recommend that 95-8457 be licensed without a condition requiring a ditch, stream, or pipeline to convey water to the Sylte Ranch. 95-7719 and 95-8457 are senior to 95-8858. IDWR has no record that the hole in the dam was created for Permit 98-8858. Records show the 95-8858 POD is an unnamed stream on property owned by Sylte Ranch in GOVT Lot 3, SWNW, Section 30, T52N R04W. This POD is in a different Government Lot than the 95-8457 POD and no pipeline or dam is mentioned in 95-8858 records.